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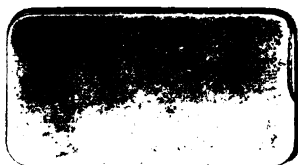


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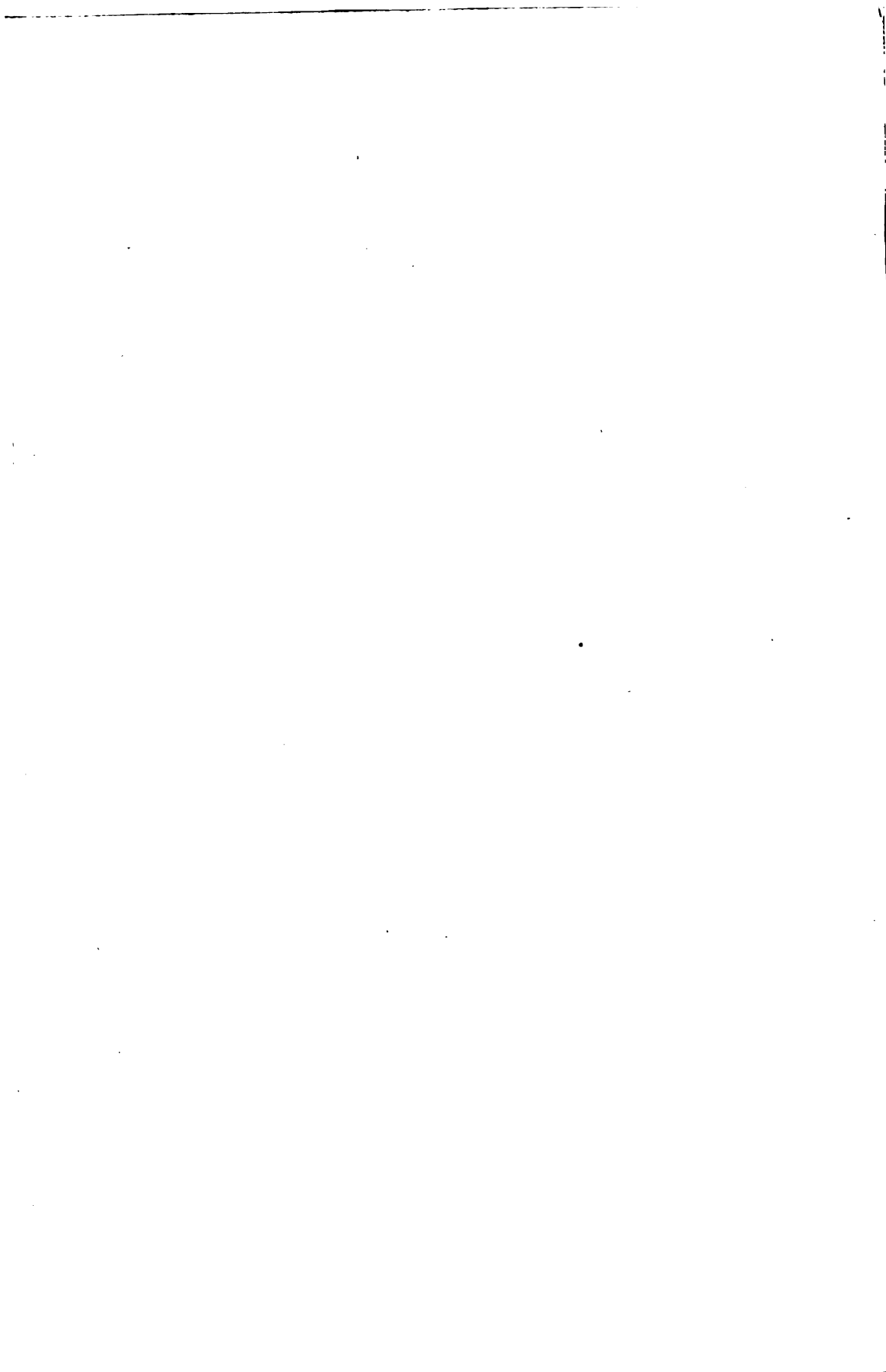
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STATUTES  
OF THE  
PROVINCE OF QUEBEC,  
PASSED IN THE  
THIRTY-NINTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA;

And in the First Session of the Third Parliament,

BEGUN AND HOLDEN AT QUEBEC ON THE 4th DAY OF NOVEMBER, AND CLOSED BY PROROGATION  
ON THE 24th DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.



THE HONORABLE RENÉ-ÉDOUARD CARON,  
LIEUTENANT-GOVERNOR.

QUEBEC:  
PRINTED BY CHARLES-FRANÇOIS LANGLOIS,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI, 1875.





ANNO TRICESIMO-NONO

## VICTORIÆ REGINÆ.

### CAP. I.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the civil government for the fiscal years ending on the thirtieth day of June, one thousand eight hundred and seventy-six, and on the thirtieth day of June, one thousand eight hundred and seventy-seven, and for other purposes connected with the public service.

[Assented to 24th December, 1875.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears by messages from the Honorable Preamble.  
RENÉ EDOUARD CARON, lieutenant-governor of the province of Quebec, and the estimates accompanying the same, that the sums hereinafter mentioned are or may be required to defray certain expenses of the government of this province, not otherwise provided for, for the fiscal years ending on the thirtieth day of June, one thousand eight hundred and seventy-six, and on the thirtieth day of June, one thousand eight hundred and seventy-seven, and for other purposes connected with the public service; may it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislature of Quebec, that :

1. From and out of the consolidated revenue fund of the province of Quebec there shall and may be applied a sum not exceeding, in the whole, eighty three thousand two hundred and eighty eight dollars, for defraying the several charges and expenses of the civil government and \$83,283.00 for the year ending the 30th June, 1876.

public service of this province, or which, in the interest of the public service, may require to be so paid and applied, whether for account of this province or otherwise, for the current financial year ending on the thirtieth day of June, one thousand eight hundred and seventy-six, which are set forth in the schedule A, annexed to this act, and for the other purposes therein mentioned.

\$1,792,096 00  
for the year  
1876-1877.

2. From and out of the consolidated revenue fund of this province, there shall be, and may be applied, a sum not exceeding, in the whole, one million seven hundred and ninety-two thousand and ninety-six dollars, for defraying the several charges and expenses of the civil government and public service of this province, or which, in the interest of the public service, may require to be so paid and applied, whether for account of this province or otherwise, for the current financial year ending on the thirtieth day of June, one thousand eight hundred and seventy-seven, which are set forth in the schedule B, annexed to this act, and for the other purposes therein mentioned.

Proviso :

3. Nothing herein or in the schedules hereunto annexed, nor yet any payment or application whatever of moneys hereby appropriated, or of any part thereof, shall be held to import that such moneys are so paid or applied for charges or expenses of this province properly so called, or are not otherwise provided for, or are to be finally carried to account of the said consolidated revenue fund; but on the contrary, every such payment and application shall be held only to be made provisionally from such fund, and subject to all rightful adjustment in account hereafter, in respect of the Dominion and of the province of Ontario, and of all special funds which the same may at all affect, and otherwise.

Accounts to  
be rendered  
to the legis-  
lature.

4. Accounts in detail of all moneys expended under the authority of this act, shall be laid before both houses of the legislature of this province, at the then next session thereof.

Moneys ex-  
pended ac-  
counted for  
to Her  
Majesty.

5. The due application of all moneys expended under the authority of this act, shall be accounted for to Her Majesty, her heirs and successors, through the lords commissioners of Her Majesty's treasury, in such manner and form as Her Majesty, her heirs and successors, shall be pleased to direct.

Act into  
force.

6. This act shall come into force on the day of the sanction thereof.

SCHEDULE.

## SCHEDULE A.

Sums granted to Her Majesty, by this act, for the fiscal year ending on the 30th June, 1876, with indication of the purposes for which they are granted.

SERVICE.	—	—
I. LEGISLATION.	\$ cts.	\$ cts.
Expenses of Elections.....		13,000 00
III. ADMINISTRATION OF JUSTICE.		
Prison Inspection .....		400 00
IV. EDUCATION.		
Salaries of School Inspectors.....		1,000 00
V. COLONIZATION.		
Colonization Roads, 1st class.....		11,000 00
VI. PUBLIC WORKS AND BUILDINGS.		
Rents, Insurances, Repairs, &c., of Public Buildings, generally...	12,268 00	
Repairs of Court Houses and Gaols.....	2,900 00	
Gaspé Court House and Gaol, to complete fence for prisoners' yard.	720 00	
Gaol for Females, Montreal.....	36,000 00	
Tanneries Land Suit.....		51,888 00
		6,000 00
		83,288 00

## SCHEDULE B.

Sums granted to Her Majesty, by this act, for the fiscal year ending on the 30th June, 1877, with indication of the purposes for which they are granted.

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
<b>I. LEGISLATION.</b>			
<i>Legislative Council :</i>			
Salaries and contingent expenses, including printing, binding, &c.....	•	26,443 00	
<i>Legislative Assembly :</i>			
Salaries and contingent expenses, including printing, binding, &c.....		61,300 00	
Expenses of Elections.....		5,000 00	
Parliamentary Library.....		3,000 00	
<i>Clerk of the Crown in Chancery :</i>			
Salary, covering ordinary contingencies.....		800 00	
Printing, binding and distributing the Laws.....		5,500 00	
<i>Law Clerk :</i>			
Salaries of office.....	3,400 00		
Contingencies, comprising extra clerk.....	600 00	4,000 00	\$106,043 00
<b>II. CIVIL GOVERNMENT.</b>			
<i>Public Departments :</i>			
Salaries and contingencies.....			147,900 00
<b>III. ADMINISTRATION OF JUSTICE, &amp;c.</b>			
Administration of Justice.....		350,754 00	
Police.....		21,400 00	
Prison Inspectors.....		45,000 00	
		4,100 00	
			421,254 00
Carried forward .....			\$675,197 00

## SCHEDULE B.—Continued.

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....	.....	.....	675,137 00
IV. EDUCATION, &c.			
<i>Superior Education :</i>			
{ Superior Education, proper .... . \$71,000 00			
{ High Schools, Quebec and Montreal 2,470 00			
{ Compensation to Roman Catholic In-			
stitutions for grant to High Schools 4,940 00	78,410 00		
Common Schools.....	155,000 00		
Schools in poor Municipalities.....	8,000 00		
Normal Schools.....	46,000 00		
Salaries of School Inspectors.....	25,500 00		
Books for Prizes.....	3,500 00		
Journals of Education.....	2,400 00		
Superannuated Teachers.....	6,600 00		
Schools for the Deaf and Dumb .....	12,000 00		
		337,410 00	
<i>Literary and Scientific Institutions :</i>			
Medical Faculty, McGill College, Montreal.....	750 00		
School of Medicine, do .....	750 00		
Natural History Society, do .....	750 00		
Montreal Historical Society, do .....	400 00		
Numismatic and Antiquarian Society, do .....	100 00		
School of Medicine Bishop's College, Lennoxville.	750 00		
Literary and Historical Society, Quebec.....	750 00		
Institut Canadien, do .....	500 00		
Académie de Musique, do .....	100 00		
Aid towards publication of "Le Naturaliste Cana-			
dien." .....	400 00		
Towards providing aid to secure publication of re-			
ports of decisions of Law Courts, at Montreal.	1,000 00		
		6,250 00	
<i>Arts and Manufactures :</i>			
Board of Arts and Manufactures....	.....	10,000 00	
			353,660 00
Carried over .....	.....	.....	1,028,857 00



## SCHEDULE B.—Continued.

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
Brought over.....			1,028,857 00
<b>V. AGRICULTURE, IMMIGRATION AND COLONIZATION.</b>			
<i>Agriculture :</i>			
Board of Agriculture.....	4,000 00		
Agricultural Schools.....	2,400 00	6,400 00	
<i>Immigration :</i>			
Immigration and repatriation.....		45,000 00	
<i>Colonization :</i>			
Colonization Roads, 1st class.....	40,000 00		
do 2nd and 3rd class.....	8,000 00	48,000 00	
Aid towards the establishment of Beet-root Sugar manufactories.....		5,000 00	
			\$ 104,400 00
<b>VI. PUBLIC WORKS AND BUILDINGS.</b>			
Rents, Insurances, Repairs, &c., of Public Buildings generally.....	44,076 00		
Inspections and Surveys.....	4,000 00		
Public Departments, to build.....	100,000 00		
Bridge across the Ottawa River to Calumet Island, provided the township in which such bridge is situated furnishes an amount sufficient to com- plete it.....	1,000 00		
Workman's property, Gabriel Street, Montreal, to purchase.....	16,000 00		
Towards making the Railway bridge over the St. Maurice suitable for vehicles, or if not found desirable, towards reconstructing the bridge over the St. Maurice near Three Rivers, pro- vided the City of Three Rivers and the other adjoining municipalities furnish funds suffi- cient to complete said bridges.....	15,000 00	180,076 00	
<i>Chargeable to Building and Jury Fund :</i>			
Rents of Court Houses and Gaols. ....	527 00		
Insurances of do .....	3,600 00		
Repairs of do .....	18,500 00		
Bonaventure Court House and Gaol, to heighten wall and to build house for Keeper.....	2,500 00		
Court Houses and Gaols, new Districts, to construct fireproof safes.....	6,000 00		
Quebec Gaol, for heating apparatus.....	8,000 00	39,127 00	
			219 203 00
Carried forward.....			1,352,460 00

## SCHEDULE B.—Continued.

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....			1,352,460 00
VII. CHARITIES.			
Lunatic Asylums.....	192,506 00		
Belmont Retreat Inebriate Asylum, Quebec.....	700 00		
Marine and Emigrant Hospital, do .....	2,666 67		
Lying-in Hospital, care of the Ladies of the Good Shepherd, Quebec.....	1,333 33	197,206 00	
Miscellaneous.			
Corporation of the General Hospital, Montreal..	4,000 00		
Indigent Sick, do ..	3,200 00		
St. Patrick's Hospital, do ...	1,600 00		
Sœurs de la Providence, do ..	1,120 00		
St. Vincent de Paul Asylum, do ..	600 00		
Protestant House of Industry and Refuge, do ..	800 00		
St. Patrick's Orphan Asylum, do ..	640 00		
University Lying-in Hospital, do ..	480 00		
Magdalen Asylum, (Bon Pasteur,) do ..	720 00		
Roman Catholic Orphan Asylum, do ..	320 00		
Sœurs de la Charité do ..	800 00		
Do. do. for their foundling hospital (so long as there is none in Quebec,) do ..	400 00		
Protestant Orphan Asylum, do ..	640 00		
Lying-in Hospital, care Sœurs de la Miséricorde, do..	480 00		
Bonaventure Street Asylum, do ..	430 00		
Nazareth Asylum for the Blind and for destitute children, do ..	1,230 00		
Dispensary, do ..	320 00		
Ladies' Benevolent Society for Widows and Orphans (including late House of Refuge,) do ..	850 00		
Home and School of Industry, do ..	320 00		
Carried over.....	18,720 00	197,436 00	1,352,460 00

## SCHEDULE B.—Continued.

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
Brought over.....	18,720 00	197,436 00	1,352,460 00
St. Bridget Asylum, Montreal..	800 00		
Frères de la Charité de St. Vincent de Paul, do ..	500 00		
Hospice de Béthléem, do ..	500 00		
Hospice de St. Joseph du Bon Pasteur, do ..	200 00		
Protestant Infants' Home, do ..	400 00		
Women's Hospital, do ..	500 00		
Eye and Ear Institution, do ..	250 00		
Charitable Ladies' Association of the Roman Catholic Orphan Asylum, and Nazareth Asylum, Quebec..	1,140 00		
Indigent Sick, do ..	3,200 00		
Asylum of the Good Shepherd, do ..	800 00		
Hospice de la Maternité, do ..	340 00		
Ladies' Protestant Home, do ..	750 00		
Male Orphan Asylum, do ..	420 00		
Finlay Asylum, do ..	420 00		
Protestant Female Orphan Asylum, do ..	420 00		
St. Bridget's Asylum, do ..	750 00		
Dispensary, do ..	200 00		
Sisters of Charity, for old and infirm persons, do ..	200 00		
Hôpital du Sacré Cœur de Jésus, do ..	1,000 00		
do Dispensary do ..	200 00		
Indigent Sick, Three Rivers.	2,500 00		
Sœurs de la Charité, for foundling hospital, do	400 00		
General Hospital, Sorel .....	500 00		
St. Hyacinthe Hospital, St. Hyacinthe. ....	500 00		
Ouvroir de St. Hyacinthe, St. Hyacinthe. ....	200 00		
Hospice Youville, St. Benoit .....	200 00		
Carried forward .....	36,010 00	197,436 00	1,352,460 00

SCHEDULE B.—*Continued.*

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....	36,010 00	197,436 00	1,352,460 00
Asile de la Providence, Côteau du Lac.....	200 00		
Hospice St. Joseph, Beauharnois.....	200 00		
Hospice Ste. Marie, Ste. Marie de Monnoir.....	200 00		
Asile de la Providence, Mascouche.....	200 00		
Hôpital St. Jean, St. Jean.....	200 00		
Sisters of Charity, do.....	200 00		
Hospice La Jemmerais, Varennes.....	200 00		
Hospice Sœurs de la Providence, St. Vincent de Paul....	200 00		
Hôpital de la Providence, Joliette.....	200 00		
Hospice de Laprairie, Laprairie.....	200 00		
Hôpital St. Joseph, Chambly.....	200 00		
Asile de la Providence, Ste. Elizabeth.....	200 00		
Sœurs de la Providence de N.-D. de l'Assomption..	200 00		
Asile de la Providence, Ste. Ursule.....	200 00		
Hôpital Ste. Anne Lapocatière.....	200 00		
Sœurs de la Charité, Rimouski.....	200 00		
Hôpital St. Ferdinand d'Halifax.....	200 00		
Hospice Yamachiche.....	200 00		
Sherbrooke Hospital and Orphan Asylum.....	500 00		
Sœurs de la Charité, Lanoraie.....	200 00		
Hôpital St. Paulin.....	200 00		
		40,740 00	
Reformatory Schools.....	8,140 00		
Industrial Schools.....	7,000 00		
		15,140 00	
			253,086 00
Carried over.....			1,605,546 00

## SCHEDULE B.—Continued.

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
Brought over .....			1,605,546 00
VIII. MISCELLANEOUS SERVICES.			
Miscellaneous generally .....		20,000 00	
For expenses connected with the Philadelphia Exhibition .....		5,000 00	
To provide pure vaccine lymph for public distribution .....		200 00	
To pay for copying Registers of St. Gervais, County of Bellechasse.		600 00	25,900 00
IX. COLLECTION, MANAGEMENT AND OTHER CHARGES ON REVENUE.			
Municipalities Fund, C. S. L. C. cap 110, sec. 7. ....		5,000 00	
Registration Service through Crown Lands Department .....	50,000 00		
Surveys do do ....	24,000 00		
General Expenditure by Crown Lands Department, including Jesuits' Estates, Clergy Lands, Crown Domain, Seignior of Lauzon, Woods and Forests, &c .....	63,550 00	137,550 00	
Quebec Official Gazette .....		14,200 00	
Stamps, Licenses, &c .....		4,000 00	160,750 00
To cover special warrants for expenditure already made belonging to the fiscal year ended 30th June, 1875, see Public accounts 1875, page 47.	40,404 49		1,792,096 00

## CAP. II.

An Act respecting the construction of "the Quebec, Montreal, Ottawa and Occidental Railway."

[Assented to 24th December, 1875.]

**W**HEREAS the "North Shore Railway Company" Preamble. and the "Montreal, Ottawa and Western Railway Company," heretofore known as the "Montreal Northern Colonization Railway Company," have severally signified to the lieutenant-governor their inability to carry out the construction of the said lines of road, and whereas they have severally expressed their readiness to surrender to the government of the province of Quebec the property and rights of the said corporations, if the government would undertake to construct the said lines of railroad, with the branches thereof, to the Grand Piles and St. Jerome; and whereas it is in the public interest that the said roads should be constructed, and therefrom prolonged as hereinafter set forth; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. There shall be a railway constructed, commencing at the port of Quebec, and extending from deep water in the said port, *via* Montreal, to such point in the county of Pontiac as may be most suitable for connecting hereafter the said railway with the subsidized portion of the Canada Central railway, and with any other railway as the lieutenant-governor in council may hereafter decide, including therein a branch line from the city of Three Rivers to the Grand Piles, and another from St. Therese to St. Jerome; and such railway shall be styled and known as "The Quebec, Montreal, Ottawa and Occidental Railway." Railway to be constructed, Extent. Branches. Name.

2. The said railway shall be a public work belonging to the province of Quebec, held to and for the public uses of the said province, and shall be made with a gauge of four feet eight and one half inches, and on such grades, in such places, in such manner, with such materials, and on such specifications, as the lieutenant-governor in council shall determine and appoint, as best adapted to the general interests of the province, the whole subject to any existing contracts which the legislature of the province of Quebec may hereinafter or hereby ratify and confirm. Shall be public property. Mode of construction, localization, &c.

3. The construction of the said railway and its management shall be under the control of three commissioners, to be appointed by the lieutenant-governor in council, who shall hold office during pleasure. Commissioners.

Their designation

They shall be known by and under the name of "the commissioners of the Quebec, Montreal, Ottawa and Occidental Railway," and when acting as such, within the

Irresponsibility.

powers conferred by this act, they shall incur no personal liability.

Engineers.

4. The lieutenant-governor in council shall and may appoint a chief engineer, and engineers, over the whole or over any section or part of the said road, who shall hold office during pleasure, and to whom the said commissioners shall intrust the general superintendence, under their instructions from time to time, of the works to be constructed or completed under the present act.

Secretary and other officers.

5. The commissioners shall and may, subject to the approval of the lieutenant-governor in council, appoint and employ a secretary, such engineers, surveyors and other officers, and also such agents, servants and workmen, as in their discretion they may deem necessary and proper for the execution of the powers and duties vested in and imposed on the said commissioners in virtue of the present act.

Power of the commissioners.

6. The commissioners shall have full power and authority, by themselves, their engineers, agents, workmen, servants and contractors, and the servants and workmen of such contractors,

To explore;

1. To examine, explore and survey the present projected line of railway from Quebec westward, and the country adjacent thereto;

To enter on lands.

2. And for that purpose to enter into and upon any public land, or the land of any corporation or person whatsoever;

To make surveys.

3. To make surveys, examinations or other arrangements on such lands necessary for confirming, altering, establishing or locating the site of the railway, and to set out and ascertain such parts of the lands as shall be necessary and proper for the railway;

To fell or remove trees.

4. And further to fell or remove any trees standing in any woods, lands or forests where the railway shall pass, to the distance of four rods from either side thereof.

Resolutions of the N. S. R. C., confirmed.

7. The resolution passed on the eleventh day of August last by the directors of the North Shore Railway company, and subsequently to wit, on the 22nd day of November, 1875, as ratified and confirmed by a resolution of the shareholders of the company, purporting to vest and convey all the property of the said railway company in and to the said province of Quebec, shall, at all times and places, be held to be full, final, complete, and effectual to all intents and purposes what-

soever ; and all the property and rights of action of the said corporation and all the franchises and privileges thereof shall be, and the same are hereby, vested in Her Majesty, to and for the public uses of this province ; and the enregistration of a copy of the said resolutions, in any registry office in any registration division of this province, in which any lands are situated, which have at any time heretofore been conveyed or bonded to the said company, shall have the same force and effect, as if such lands had been specially mentioned in the said resolutions, and separately, and specially and expressly therein described, any provision of any law or act to the contrary notwithstanding.

Effects.

Enregistration and its effect.

8. The transfer and assignment passed on the second day of November, one thousand eight hundred and seventy-five, before Mtre. Dumouchel, notary public, by and between the Montreal, Ottawa and Western Railway company, and the province of Quebec, purporting to vest and convey all the property of the said railway company in and to the said province of Quebec, shall be held to be full, final, complete and effectual to all intents and purposes whatsoever ; and all the property of the said corporation, and all the rights and privileges thereof, thereby conveyed or intended so to be, shall be, and the same are hereby, vested in Her Majesty, to and for the public uses of this province ; and the registration of a copy of the said transfer and assignment, in any registry office in any registration division of this province, in which any lands are situated, which have at any time heretofore been conveyed or bonded to the said company, shall have the same force and effect as if such lands had been specially mentioned in the said contract or agreement, and separately, specially, and expressly therein described, any provision of any law or act to the contrary notwithstanding.

Assignment of the Montreal, Ottawa and Western R. C. confirmed.

Effects.

Enregistration and its effect.

9. The contract passed at the city of Quebec, on the twenty-fourth day of September, last past, before Mtre. Ph. Huot and colleagues, notaries, between the Honorable Charles B. deBoucherville, representing the province of Quebec, and the Honorable Thomas McGreevy, for the construction and completion of that portion of the said railway between deep water in the port of the city of Quebec, and the city of Montreal, and the branch thereof to Grand Piles, is hereby ratified and confirmed.

Contract with Hon. Mr. McGreevy, confirmed.

10. The contract passed before Mtre. Dumouchel, notary public, at the city of Quebec, on the sixteenth day of November, in the year of Our Lord one thousand eight hundred and seventy five, between the Honorable Charles B. deBoucherville, representing the province of Quebec, and Duncan MacDonald, for the construction and com-

Contract with Mr. D. MacDonald, confirmed.



pletion of that portion of the said railway between the city of Montreal and the village of Aylmer, in the county of Ottawa, with the branch to St. Jérôme, is hereby ratified and confirmed.

The Quebec railway act shall apply.

**II.** The provisions of *The Quebec Railway Act* 1869, so far as they are applicable to the undertaking hereby authorized, and in so far as they are not varied by or inconsistent with, the provisions of this act, shall apply to the said Railway to the extent to which they are applicable thereto, and be construed to form part of the present act.

The deposit of plans, heretofore made may be of use.

The said commissioners in locating the railway hereby authorized to be constructed, at any place or point where the same is not already located, shall be entitled to avail themselves of the deposit heretofore made by the Montreal, Ottawa and Western Railway company, or by the Montreal Northern Colonization Railway company, in the office of the Clerks of the Peace for the districts or counties through which the said railway was intended to pass, and shall forthwith cause a complete copy of such plans and books of reference to be deposited in the office of the department of public works, and such deposit shall be held to be a compliance with the provisions of *The Quebec Railway Act* 1869, in respect of plans and surveys, and shall be held to be a sufficient basis for any proceedings to be taken under the said railway act, to the same extent and in the same manner as if the said commissioners had made and corrected maps or plans and books of reference, and had deposited them and copies of them, in conformity with the first and second sub-sections of the eighth section of the said *Quebec Railway Act*, 1869. And the copies now deposited in the said office of the said clerks of the peace, and the copy to be deposited in the department of public works in conformity hereto, shall be treated, received, dealt with and accepted in every respect as if the same had been made and deposited by the commissioners under the provisions of the said eighth section.

Copies shall be deposited in the Public Works department.

The line, heretofore adopted, is the true line, but may be changed.

The line heretofore adopted by the Montreal, Ottawa and Western Railway, unless the same be changed by the said Commissioners, is hereby declared to be in future; the line of the Quebec, Montreal, Ottawa and Occidental railway between Montreal and Aylmer, and of the branch to Saint Jerome, but such location shall be subject to all such alterations as shall be made therein, in conformity to the said eighth section of the said railway act; which alteration shall be made in the manner prescribed in the said section.

Proceedings respecting expropriation or acquisition

In cases where proceedings have been commenced by the said Montreal, Ottawa and Western Railway, or by the Montreal Northern Colonization Railway, for the

expropriation or acquisition of lands for the purposes of the said railway, and have not been completed, the commissioners shall have the right to continue such proceedings under the provisions of the said *Quebec Railway Act*, 1869, provided the proprietors, or persons interested in such lands, shall file with the commissioners a written consent thereto; but the said commissioners may discontinue all anterior proceedings, on the part of the said company, and may commence such proceedings *de novo* under the said *Quebec Railway Act*; and in the valuation of such properties allowance may be made to such proprietors, or parties interested, for any actual and material damage which has been caused to them by the discontinuance of such previous proceedings. But no constructive or general damages shall be awarded in relation thereto.

commenced  
may be continued

Consent required.

May be commenced, *de novo*.

Damages to be paid.

The deposit of maps, plans and books of reference, wherever made by or on behalf of the said North Shore Railway company, and all valuations, tenders, deposits of money, and all other steps and proceedings taken by or on behalf of the said company, towards the acquisition or expropriation of any land or property required for the purposes of the said railway, shall enure to the benefit of the said province, and the said commissioners shall have the power to take up such proceedings at whatever stage they may have arrived, and to continue and complete the same in the same manner as might have been done by the said company; and they may discontinue such proceedings and begin others, according as they may deem advisable.

Deposit of plans made by the N. S. R. C. of use.

Proceedings of acquisition and expropriation.

**12.** The said commissioners may enter into contracts and stipulations with all persons, corporations, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, assigns and legal representatives, but also for and in the name of those whom they represent, whether minors, absentees, lunatics, married women, or persons otherwise incapable of contracting, in relation to the purchase of any land or other property necessary for the construction, maintenance and use of the railroad, upon such prices as may be agreed between them; and they may also enter into contracts and stipulations with such persons and corporations, in respect of the amount of compensation to be paid for all damages sustained by them, by reason of anything done in virtue and under the authority of the present act.

Contracts with capable persons, and those representing the incapable.

**13.** As to that portion of the said railway between Aylmer aforesaid and the point in the county of Pontiac which shall be determined upon, as most suitable for crossing the Ottawa river to connect such portion of the said railway, with the subsidized portion of the Canada Central Railway, the said commissioners shall build the

Construction of the portion between Aylmer and Pontiac.

Tenders.

same by tender and contract, after the plans and specifications therefor shall have been duly advertised; and they shall accept the tenders of such contractors as shall appear to them to be possessed of sufficient skill, experience and resources, to carry out the work or such portions thereof as they may contract for; provided always, that the said commissioners shall not be bound to accept the lowest, or any tender, if they should deem it for the public interest not to do so, and provided also that no contract under this section shall be concluded by the

**Assent of the** commissioners, until first duly sanctioned by the lieutenant-governor in council.

**Stipulations in the contract.**

**14.** The contract, to be so entered into shall be guarded by such securities, and contain such provisions for retaining a proportion of the contract moneys, to be held as a reserve fund, for such period of time and on such conditions, as may appear to be necessary for the protection of the public, and for securing the due performance of the contract.

**Certificate required before payment.**

**15.** No moneys shall be paid to any contractor until the chief engineer shall have certified that the work, for or on account of which, the same shall be claimed, has been duly executed, nor until such certificate shall have been approved of by the commissioners.

**Members of the Legislature.**

**16.** No member of the legislature shall be a commissioner, under this act, or shall hold, or be appointed to any office of emolument under the commissioners, or be a contractor, or party to any contract with the commissioners, for the construction of the railway or any part thereof.

**Inspection of the commissioners' proceedings.**

**17.** The lieutenant governor, in council, or any person or persons appointed by him, shall have power to inspect all contracts, and proceedings of the commissioners and to examine their accounts at all times.

**Salary of the commissioners and employees.**

**18.** The lieutenant-governor in council shall fix the rate of salary or compensation for the commissioners and the chief engineer, and shall approve of all other salaries to be awarded by the commissioners, subject in all cases to the revision and confirmation of the legislature.

**Suspension of works.**

**19.** The lieutenant-governor in council shall have the power, at any time, to suspend the progress of the work until the then next session of the legislature.

**Payments made to the commissioners.**

**20.** The treasurer of the province, shall from time to time pay to the commissioners, on their demand, all moneys required under this act, for the purposes thereof.

in such manner, at such times, and in such sums, as may, from time to time, be ordered by the lieutenant-governor in council.

**21.** The commissioners shall furnish quarterly accounts, (or oftener if required by the lieutenant-governor in council), to the treasurer of the province, of all expenditure and liabilities made and incurred under this act.

Accounts to be furnished.

**22.** The commissioners may make such arrangements with the Canada Central railway company, as shall be approved by the lieutenant-governor in council, for the extension of the said Canada Central railway, from the eastern terminus of the subsidized portion thereof, or from such other point of junction with the said subsidized portion thereof, as may be selected, to the Ottawa river, opposite the western terminus of the railway hereby authorized to be constructed, or for the construction of a bridge over the said river at the said last mentioned terminus; and also, to make such arrangements for the transit of rolling stock, goods, freight and passengers over the said subsidized portion of the said Canada Central railway, and over the Canada Pacific railway, or any branch thereof, as shall be approved by the lieutenant-governor in council, but such arrangements shall only be binding and conclusive, after having been approved by the legislature of the province of Quebec.

Arrangements with the Canada Central.

**23.** For the construction of that portion of the said railway lying between the said point fixed or to be fixed in the county of Pontiac, and the eastern terminus of the said subsidized portion of the Canada Central railway in the province of Ontario, or such point thereon as may be selected as a point of junction, the said commissioners shall also have full power and authority, in their quality of such commissioners, to apply to the parliament of the Dominion of Canada, for authority to construct such portion of the said railway, subject to such regulations as the lieutenant-governor in council may prescribe, and on such terms and conditions, and with such powers, franchises and limitations, as the said parliament of the Dominion of Canada may think proper to grant and confer.

Commissioners may apply to the federal parliament respecting the portion from Aylmer to Pontiac.

**24.** All that portion of sections two and five of the act of this province, 34 Vict., chap. 21, of section three of the act of this province, 36 Vict., chap. 42, and any other provision of law, whereby a grant of lands has been given or reserved to the North Shore Railway Company or Grand Piles branch thereof, or to the Montreal, Ottawa, and Western Railway Company, are hereby repealed; and the said lands are hereby re-united to the public lands of the province of Quebec, as fully and completely, as if the said sections or provisions had never been passed.

Grant of lands to the two Cos. repealed.

Loan of  
\$3,000 000 by  
the commis-  
sioners.

**25.** The said commissioners are authorized to raise by way of loan, a sum not exceeding three millions of dollars, for the construction of the said road and its branches, and for such purpose to issue bonds or debentures, and they may, by the lieutenant-governor in council, be authorized to guarantee in the name of the province, that the said railroad shall be completed and put in operation.

Guarantee.

Debentures.

**26.** Such bonds or debentures shall be signed by one of the commissioners and countersigned and registered in a special book by the secretary of the said commissioners, and they shall be certified, as having issued under this act, by the treasurer of the province.

Interest.

They shall be made payable in thirty years, and shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually, on presentation of the interest coupons thereunto annexed.

Coupons.

The interest coupons annexed to the debentures shall be signed by the secretary of the said commissioners.

When and  
where pay-  
able.

**27.** The bonds or debentures issued by the said commissioners may be made payable in Canada or elsewhere, and in currency or sterling, as they shall deem most expedient to facilitate the negotiation thereof.

Disposal of  
the bonds.

**28.** The said commissioners may sell the bonds or debentures issued in virtue of the present act and dispose of the same at such prices as they may agree upon, and the lieutenant-governor in council shall approve or direct ;

Interest gua-  
ranteed.

and they may guarantee the due payment of the principal and interest of the said debentures by first mortgage or hypothec on the said line of railway, and the lands, buildings, rolling stock, plant, and upon all other property, and revenue, and the commissioners shall be bound, from time to time, to execute any deed or other instrument which the lieutenant governor in council may approve, which may be requisite to perfect the charge intended to be created by such mortgage or hypothec, and to perfect the securities thereby intended to be given, and to enable such charge to be made completely effectual by registration thereof, in accordance with the laws of this province.

Mortgage.

Mode of gua-  
rantee.

Mortgage to  
whom made.

**29.** Every such mortgage or hypothec may be from time to time made to any corporation, or to any person or persons in the United Kingdom, or in the Dominion of Canada or elsewhere, as trustees for the holders of the said debentures ; which debentures shall refer to such mortgage or hypothec, and shall be countersigned by the trustees, or one of them, or by some person in their name duly authorized by them in that behalf, for the purpose of identifying such debentures as those which are to be

Trustees.

secured by such mortgage or hypothec ; but any bank, or company lawfully incorporated for financial purposes, may be also appointed trustees, and they are hereby authorized to accept such appointment and perform the duties connected therewith, as described in such mortgage or hypothec.

**30.** Every such mortgage or hypothec may contain an authority to the trustees to take possession of, to work and sell the railway, lands and other property therein comprised, upon default by the commissioners to pay the interest of the debentures to be secured thereby, or any part thereof, within such delays respectively, and upon such terms and conditions, as the said commissioners shall agree on, and the lieutenant governor in council approve or direct, as set forth in such mortgage and hypothec.

Trustees may take possession in case of non-payment.

**31.** Every such mortgage or hypothec, upon being duly registered in accordance with the laws of this province, by the registration thereof or of an authentic notarial copy thereof, in the registry offices for all the registration divisions in which shall be situate any part of the railway, lands or other property intended to be affected thereby, and without the registration of any of the debentures issued shall, for the purposes of this act, and of the loan to be made in virtue thereof, take effect in priority from the date of its registration, without reference to the date or dates at which the debentures to be secured thereby shall be issued, and at whatever subsequent date or dates they shall be issued ; and except when otherwise provided in the mortgage or hypothec, all the debentures to be issued, upon the security thereof, shall be secured thereby *pari passu*, and without any preference of one over the other, in consequence of the respective dates of issue thereof, or for any other reason.

Effect of the enregistration.

Priority.

**32.** The trustees may, at all times, in their own names, and without the concurrence or co-operation of any of the debenture-holders, enforce all the rights which such mortgage or hypothec shall purport to confer upon them, and all contracts into which, for the purposes of benefiting or protecting the debenture-holders, they may enter with the said commissioners respecting the construction of the railway, or with any other persons, in precisely the same way as if such contracts, and such mortgage or hypothec had been made to them for their own benefit, and that they were the holders of all the debentures issued thereunder and intended to be secured thereby ; and for such purpose they may, if necessary, bring or defend in their own names, any actions or suits in any court in the province of Quebec.

Power of the trustees.

Accounts to  
be rendered  
by the trust-  
ees.

**33.** It may be a condition of such mortgage or hypothec that upon the said trustees assuming to take possession of and work the said railway, they, the said trustees, shall be bound and obliged to render periodical accounts to the commissioners, of the earnings and receipts of the said road, and to pay over to the said commissioners any surplus of revenue over and above what is required for the payment of the claims of the said debenture-holders, and over and above the expense of working and maintaining the said road, the whole subject to such penalty, as in and by the said mortgage may be stipulated for and provided.

Surplus of  
revenue.

Sinking fund.

**34.** A sinking fund is hereby established, to which the said commissioners shall pay an annual sum of one per cent, on the amount of the bonds or debentures issued in virtue of this act, and such sum shall be by them paid over to the provincial treasurer, in equal semi-annual payments; and shall be invested by and permitted to accumulate under, the management of the said treasurer.

Redemption  
of debentures.

**35.** Such sinking fund may be employed in the redemption of the debentures so issued, in accordance with the instructions of the provincial treasurer, as approved by the lieutenant-governor in council.

Orders of  
claims.

**36.** From and out of the revenue of the said road, after payment of the current expenses for the maintenance and working thereof, the first claims to be paid shall be the interest on the bonds and debentures issued by the said commissioners under the present act, and the sums to be devoted to the sinking fund established under section 34; the interest payable to the municipal corporations as hereinbefore stated shall be the second claim; and the balance shall be the property of the crown and shall form part of the consolidated revenue fund of the province.

Balance.

Municipal  
grants in-  
vested in the  
road.

**37.** The municipal grants or subscriptions for stock mentioned in schedule A hereunto annexed, made under the several by-laws authorizing the same in favor of the said North Shore Railway company, and of the said Montreal, Ottawa and Western Railway company, hitherto known as the Montreal Northern Colonization Railway company, shall be and are vested in the Quebec, Montreal, Ottawa and Occidental Railway, and shall be paid to the treasurer of the province.

Municipal  
grants and  
by-laws obli-  
gatory.

**38.** The corporations which have made such grants or subscribed for the said stock shall not be admitted to plead by way of exception, or for the purpose of modifying their engagements, the lapse of time, or negligence on the part of the companies, or either of them, in fulfilling the conditions or any of the conditions, under which the

said grants or subscriptions for stock were made ; and the said several by-laws are hereby declared to be obligatory, legal and effectual for all purposes whatsoever ; and the said corporations shall be respectively bound and obliged to execute, issue and deliver to the provincial treasurer, the total amount of their said respective bonds or debentures, the issue whereof is authorized by such by-laws, and the treasurer may when necessary, and as the case may require, negotiate such bonds or debentures.

Delivery and negotiation of municipal debentures.

**39.** The several amounts of the subscriptions of the municipal corporations, to the capital stock, of the "North Shore Railway Company," or of the "Montreal Northern Colonization Railway Company," and of the bonuses granted to such companies, including the sums already paid, shall be deemed to be invested in the said road, and shall bear interest, to be paid by the said commissioners to the said corporations, at such rate, not exceeding five per centum per annum on their respective amounts, as the annual revenue of the said road will admit of, after payment of the cost of maintenance and running expenses, of the interest on bonds or debentures issued under section 25, and of the sinking fund established under section 34,—such interest not to begin to run, until after the whole of the said road shall have been completed and put in operation.

Interest to be paid on such grants.

**40.** The balance of the various subsidies or grants accorded by the acts of this province now in force, to "The North Shore Railway company," and to "The Montreal Northern Colonization Railway company," and the sums subscribed by the cities of Quebec, Montreal and Three Rivers, and the several other corporations and municipalities shall be paid by the treasurer of the province to the said commissioners for the purposes of this act, and shall be expended on the parts of the road, in respect of which such subsidies, grants and subscriptions were given ; and the said payments shall be made subject to the terms of the proviso, relating to the road from the city of Three Rivers to the Grand Piles, and to the establishment of steam navigation on the St. Maurice, contained in subsection 1 of section 16 of the act of this province, 37 Vict., cap. 2, and also subject to the proviso contained in section 21 of the said act.

Balance of subsidies and municipal grant, to be paid to the commissioners.

How spent.

**41.** The lieutenant-governor in council may grant to the said commissioners for the construction of the railway to be built in virtue of the present act, another additional subsidy of two millions three hundred and twenty-seven thousand dollars, as representing the value of the grant in land accorded to the North Shore and Montreal Northern Colonization railways.

Additional subsidy of \$2,327,000.



Lease of the road.

**42.** The lieutenant-governor in council may, so soon as the said road or any section thereof shall have been completed, lease the said road or section thereof to any person or persons, or to any corporation, subject to the approval of the legislature.

General investment in the road.

**43.** And to avoid all doubts it is hereby enacted that "the Quebec, Montreal, Ottawa and Occidental railway" is hereby vested with all the rights, powers, immunities, franchises, privileges and assets, heretofore by any act granted unto either the North Shore Railway company, or the Montreal Northern Colonization Railway company, subject nevertheless to any alterations, limitations or restrictions herein contained, and so far as this legislature may or can do, with all the rights, powers, immunities, franchises, privileges and assets granted by the parliament of the Dominion of Canada to the Montreal, Ottawa and Western Railway company.

Directors abolished.

**44.** Notwithstanding anything to the contrary in any of the hereinbefore recited acts, or in any of the by-laws hereinbefore alluded to, the said several corporations shall not be entitled to appoint or to be represented by any directors in the management of the affairs of the company; and the directorate contemplated and provided for by the provisions of the said acts is hereby abolished.

Rights of individual shareholders vested in the commissioners.

**45.** The contracts or agreements hereinbefore alluded to for the transfer of the rights and assets of the North Shore Railway company and of the Montreal, Ottawa and Western Railway company, to the province of Quebec being ratified, the rights of the individual shareholders, in the said companies, shall be transferred to and vested in the said commissioners in their quality, to and for the uses of this province.

Stock refunded.

The stock of individual shareholders in the said companies, or so much thereof as shall have been paid up, shall be refunded to them.

Federal legislation may be asked for.

**46.** And it is further enacted that the said commissioners, in their said quality by and with the consent of the lieutenant-governor in council, may be and they are hereby authorized to apply to the parliament of Canada, for any legislation which may be deemed necessary for the purposes of this act.

Act into force.

**47.** The present act shall come into force on the day of the sanction thereof.

## SCHEDULE A.

Municipal subscriptions and grants to the Montreal  
Northern Colonization Railway.

The city of Montreal.....	\$1,000,000 in stock.
The county of Ottawa.....	200,000 “
The parish of St. André.....	25,000 “
The village of Ste. Thérèse de Blainville.....	12,000 “
The village of Ste Thérèse .....	12,000 “
The village of St. Jérôme .....	15,000 “
The parish of St. Jérôme.....	10,000 “
The village of Ste. Scholastique.....	10,000 “
The village of St. Jérusalem d'Argenteuil (Lachute).....	25,000 Bonus.
The village of la Côte St. Louis.....	25,000 in stock.

## II. Municipal subscriptions to the North Shore Railway.

The city of Quebec.....	\$1,000,000 in stock.
The city of Three Rivers.....	100,000 “
The parish of St. Sauveur de Quebec.	25,000 “

## CAP. III.

An Act to amend the law respecting subsidies in money  
made to certain railways.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** The lieutenant-governor in council may, upon resolution of the directors of any company entitled to a subsidy in money, convert such subsidy into a guarantee, and payment by this province, in favor of the holders of bonds or debentures of such company, of interest at the rate of five per centum per annum, on a capital which at such rate produces a sum in interest, equal to the subsidy granted for each mile of road, together with interest thereon, until the whole subsidy be paid. Conversion authorized in payment of the interest.

**2.** Any payment on a subsidy already made by this province, may be returned to the provincial treasurer, and thereafter converted into a like guarantee, for such part or portion of the subsidy returned. Subsidies already paid returned.

**3.** The payment of the interest shall be made semi-annually, for every ten miles or more of road completed, continuous and uninterrupted. Payment.

Subsidy of the Montreal, Chambly and Sorel comp'y changed as regards a certain part of the road.

Proviso.

Proviso.

4. The subsidy of one thousand dollars per mile granted to the Montreal, Chambly and Sorel railway company, (now amalgamated with and known as the Montreal, Portland and Boston railway company), for that part of the said road from Sorel to Chambly, and from Chambly to St. Jean, shall be withdrawn, and used, applied and paid on the line of the said Montreal, Portland and Boston railway *viâ* Chambly, West Farnham and Frelighsburg, to the frontier of this province; provided that between this day and the first day of August next, the directors of the said Montreal, Portland and Boston railway company, pass a resolution to such end, and that such resolution be approved by a majority of the votes of the shareholders thereof, and by the lieutenant governor in council, and provided that the directors of such company have given satisfactory evidence to the lieutenant-governor in council that the company has paid to the proprietors the cost of the right of way, and the damage to their properties.

Subsidy to the company of the South-Eastern railway change for a certain portion.

Proviso.

Proviso.

5. The subsidy of two thousand five hundred dollars per mile granted to the South-Eastern railway company, for that part of the said road heretofore known as the Richelieu, Drummond, and Arthabaska counties railway, for a length of fifty-five miles, from Drummondville to the Arthabaska branch (Grand Trunk,) and all that portion of the said road to the east of Drummondville, shall be withdrawn, and used, applied and paid on the line of the said South-Eastern railway, from Sorel to Sutton Junction *viâ* Acton and Waterloo; provided that between this day and the first day of August next, the directors of the said company pass a resolution to that end, and that such resolution be approved by the majority of the votes of the shareholders thereof, and by the lieutenant-governor in council; provided also, that the said company return to the municipality of the townships of Wendover and Simpson, the bonds or debentures subscribed by such municipality to the said road, or the amount thereof, save and except the interest already paid thereon; and provided that in any case, the apportionment of the said subsidy added to the present subsidy, does not exceed the total amount of \$4000 for each mile of road.

Proviso.

Nothing hereinabove contained shall affect the road to L'avenir.

Certain delay extended.

6. The delay accorded by section 2 of the act of this province 38 Vict., ch. 2, is extended until the first day of the month of October next.

Interpretation.

7. Nothing in this act contained shall be construed as extending the period for the accomplishment of the conditions which such companies are bound to fulfil to be entitled to a subsidy in money, save in so far as is prescribed in the section preceding.

8. This act shall come into force on the day of the Act into force sanction thereof.

# C A P . I V .

An Act authorizing the issue of Provincial Debentures, for the payment of the subsidies granted to railway companies.

[Assented to 24th December, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The lieutenant-governor in council may, authorize Loan of the provincial treasurer, to contract a loan and to that £860,000. end to issue, sell and negotiate bonds or debentures in the name of the province, to an amount not exceeding eight hundred and sixty thousand pounds sterling
2. Such bonds or debentures shall be issued in the Debentures, form, and according to the mode and conditions which their form, &c. the lieutenant-governor in council shall deem expedient to prescribe, in the interests of the province.  
Such bonds shall be payable in thirty years, in currency or sterling, and shall bear interest not exceeding five per centum per annum. A sinking fund of one per centum per annum shall be established for their redemption.
3. The amount raised by such loan and issue of debentures, shall be employed in the payment of the subsidies granted by the various acts of this legislature.

4. This act shall come into force on the day of the Act into force sanction thereof.

# C A P . V .

An Act to amend the Act 38 Vict., chap 4, respecting the manufacture of sugar from beet-root.

[Assented to 24th December, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section 1 of the act of this province, 38 Vict., chap. 38 V., c. 4, s. 4, is replaced by the following :  
“ 1. With the object of securing to the province the benefit of European capital and experience, the lieutenant-governor in council may grant an annual subsidy of seven thousand dollars, during ten years, for the establishment of the manufacture of sugar from beet-root in the province.”

Annual subsidy of \$7,000 during 10 years.

## CAP. VI.

An Act to further amend "the Quebec License Act," (34 Vict, ch. 2), and the several Acts amending the same, and to extend the application thereof.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

34 V, c. 2, s.  
43, § 4 amend-  
ed anew.

**1.** Paragraph 4 of section 43 of the "Quebec License Act" as amended by the act of this province, 37 Vict., ch. 3, s. 9, is amended anew by adding at the end thereof, the following words : "each time these sales are not made by a licensed auctioneer," and by adding in the french version the word "non" at the beginning of the third line of the said paragraph.

Idem, § 5  
amended.  
Penalty for  
refusal to pay  
duties on sale  
by auction.

**2.** Paragraph 5 of section 43 of "the Quebec License Act" is amended by adding thereto the words following :  
"And any person, not being a licensed auctioneer, who refuses or neglects, within thirty days after any such sale, to pay to the revenue officer of the district, within the limits of which such sale has taken place, or to any other person by him to that end authorized, all moneys which he owes by reason of such sale, shall incur a penalty of twenty dollars for each day during which he shall so refuse or neglect to pay ; and the moneys due by reason of such duties may be recovered with costs by the said revenue officer, at the same time and in the same suit, as the amount of the penalties ; and in default of payment of the amount of judgment, including the penalty, costs and duties, if they have been claimed, the offender may be condemned to imprisonment for any time not less than one month, nor exceeding three months."

Rights on im-  
movables sold  
by auction.

**3.** All immovables sold by public auction or outcry in this province and adjudged to the highest bidder, shall be subject to a duty of one dollar for each hundred dollars of the price at which they are sold, and at and after the same rate for every greater or less sum, save and except the part of the price of shares belonging to minors, when sold by licitation under authority of law.

Exception.

Sections 39, 40, 40a (37 Vict., ch. 3, s. 8,) 41, 42, 44, 45, 46, and paragraphs 1, 2, 3 and 5 of section 43 of "the Quebec License Act," as also the preceding section, shall apply to immovables, in the same manner as to merchandise or effects, and shall be interpreted as if the words "or immovables," were inserted after the word "effects," wherever the latter word occurs in such sections and paragraphs.

4. No person, unless he has obtained a license for such purpose, under the authority of this act, shall open or exhibit, in this province, any circus or equestrian exhibition, or any menagerie, caravan or show of wild animals, under a penalty of two hundred dollars for each representation or exhibition, recoverable in the manner specified in section 6 of this act, and in default of payment, and of property and effects to be taken in execution and sold to the amount required, to imprisonment for any term not less than one month nor exceeding four months, on sentence of a judge of the superior court, district magistrate, or a justice of the peace, upon summary petition.

License required to exhibit circuses, caravans, &c.

Penalty.

5. Any person opening or exhibiting a circus or equestrian exhibition, or a menagerie or show of wild animals, shall be bound to show the license required for such purpose, to the revenue officer, or to any one of his deputies, or to any other person thereunto authorized by the revenue officer, on mere written or verbal application on their part, and in default of his so doing, such person shall be deemed not to possess such license, and shall be punished in consequence.

License to be shown.

6. The revenue officer, or one of his deputies, or any other person thereunto authorized by the revenue officer, may, by a warrant of distress, signed by a judge of the superior court, a district magistrate or any justice of the peace, seize the goods and chattels, even such as are in ordinary cases exempt from seizure, to whomsoever they may belong, which form part of any circus or equestrian exhibition, or of any menagerie or show of wild animals, for the opening or exhibition of which, no license has been taken out, or in respect of which there has been any refusal to show the license required, and he may without any other preliminary formality, sell and adjudge by public auction, the goods and chattels so seized, up to the amount of the penalty incurred and the costs of sale, and this without any judgment being required.

Recovery of fines.

7. The revenue officer of the district, on receipt of the duties and fees exigible, shall deliver to any person applying therefor, the license required under section 4 of this act.

Grant of the license.

8. There shall be paid to the revenue officer by every person who takes out a license to open or hold a circus or equestrian exhibition, a menagerie or caravan or show of wild animals,

Duties on licenses.

1. In each of the cities of Quebec and Montreal, and within a radius of three miles of each of such cities, \$100, for each day of representation or exhibition;

2. In every other part of the province, \$50 for each such day.

Term of the  
license.

**9.** Every license granted under the two preceding sections shall state the number of days for which the duties have been paid, and shall become inoperative at the close of the last of such days.

One license  
only is requir-  
ed, in certain  
cases.

**10.** One license only shall be required for the opening or holding at the same place and on the same days, of a circus or equestrian exhibition and of a menagerie or show of wild animals, if they form part of the same troop or company.

Interpreta-  
tion, &c.

**11.** The provisions of the second part of "the Quebec License Act," and the amendments thereto, and more particularly those respecting the granting, the form and the cancelling of licenses, the fee to be paid, the reduction of the duties exigible and the application of those collected, shall apply to licenses required by section 4 of this act, and to cases of infraction in relation thereto, in the same manner as if they were here anew enacted; save in so far as would be inconsistent with this act.

34 V., c. 2, s.  
125, repealed.

**12.** Section 125 of "the Quebec License Act," as amended by the acts of this province, 37 Vict., ch. 3, and 38 Vict., ch. 5, is repealed and the following substituted therefor :

Duties pay-  
able.

"125. There shall be paid to the revenue officer by every person who takes out any of the following licenses, the following duties respectively, that is to say :

Inns ; and  
sale of  
spirituous  
liquors.

1. For every license to keep an inn, hotel, tavern or other house or place of public entertainment, and for retailing brandy, rum, whiskey or any spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors,

a. In the city of Montreal, \$200, if the annual rent of the place for which such license is demanded, is less than \$400,—\$300, if such rent is \$400, or upwards ;

b. In the city of Quebec, \$125, if such rent is less than \$400,—\$175, if such rent is \$400 or upwards ;

c. In any other city in the province, \$80 ;

d. In any incorporated town, \$70 ;

e. In any incorporated village, under the operation of the municipal code, \$60 ;

f. In any organized section of the province, not within any such city, town or village, \$50 ;

g. In any unorganized territory, not within the limits of any municipality, \$35 ;

Inns ; and  
sale of  
wine & beer.

2. For every license to keep an inn, tavern, or other house or place of public entertainment, and for retailing wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whiskey, or other spirituous liquors,

a. In each of the cities of Quebec and Montreal \$75 ;

b. In any other city of the province, \$50

- c. In any other organized section of the province, \$40 ;
- d. In any unorganized section of the province, \$30 ;

3. For every license for retailing brandy, rum, whiskey Saloons ; and sale of spirituous liquors. or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors, in any restaurant, saloon or refreshment room,

- a. In the city of Montreal, \$200 ;
- b. In the city of Quebec, \$100 ;
- c. In any other city, \$80 ;
- d. And in any other incorporated town, \$60 ;

4. For every license to keep a " temperance hotel, " for Temperance hotels. the reception of travellers and others, but not for retailing brandy, rum, whiskey, or other spirituous liquors, nor wine, ale, beer, porter, cider or other vinous or fermented liquors, \$9 ;

5. For every license to vend or retail, in any store or Retailing spirituous liquors in a shop or store. shop, brandy, rum, whiskey, or other spirituous liquors, and wine, ale, beer, porter, cider, or other vinous or fermented liquors, in a quantity not less than three half-pints at any one time,

a. In each of the cities of Quebec and Montreal, \$60, if the annual rent of the store or shop, for which the license is demanded, does not exceed \$100,—\$80, if such rent exceeds \$100, but does not exceed \$200,—\$100, if such rent exceeds \$200, but does not exceed \$400,—and \$125, if such rent exceeds \$400 ;

b. In any other organized section of the province, \$50 ;

c. In any territory unorganized, beyond the limits of a municipality, \$20 ;

6. For every license to retail on board any steamboat or Retailing spirituous liquors on any steamboat. other vessel, brandy, rum, whiskey, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors, the sum of \$150 ;

7. For every license to retail on board any steamboat, Retailing wine and beer on any steamboats. or other vessel, wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whiskey, or other spirituous liquors, the sum of \$100 ;

8. For every auctioneer's license, Auctioneers.

a. In each of the cities of Quebec and Montreal, \$60, together with an additional sum of \$25, for every assistant, agent, servant or partner named therein ;

b. In every other part of the province, \$40, together with an additional sum of \$15, for every assistant, agent, servant or partner named therein ;

9. For every separate license taken out by an Assistants, &c., of auctioneers. auctioneer, for one or more assistants, agents, servants or partners, employed as criers ;



a. In each of the cities of Quebec and Montreal, \$25, for each such assistant, agent, servant or partner, who is therein named ;

b. In any other part of the province, \$20, for each such assistant, agent, servant or partner, who is therein named ;

Pedlers.

10. For every hawker's or pedler's license, for one judicial district only, the sum of \$20, and for every additional district, the sum of \$10 ;

Billiard-  
tables, &c.

11. For every billiard-table subject to be licensed under this act, when not more than two are kept by the same person, and in the same building, \$75 each, and when more than two are kept, for a third and a fourth table \$60 each, for a fifth and a sixth, \$50 each, and for every table beyond six, \$30 each ;

Mississippi-  
tables, &c.

12. For every bagatelle-board, pigeon-hole board, or Mississippi-table, \$25 ;

Pawnbrokers.

13. For every pawnbroker's license, \$100 ;

Ferry.

14. For every ferry license such sum as may be fixed by the lieutenant-governor in council, under the provisions of section sixty-five of this act ;

Powder.

15. For every license to keep or use a powder-magazine, \$50 ; and for every license to sell or to keep for sale gun-powder,

a. In the cities of Quebec and Montreal, wholesale and retail.....\$20 00

Retail only..... 8 00

b. In any city of the province, other than those of

Quebec and Montreal, wholesale and retail.... 10 00

Retail only..... 5 00

c. In any incorporated town, wholesale and retail. 5 00

Retail only..... 2 50

d. In country parts, wholesale and retail..... 2 50

Retail only..... 1 00

Interpreta-  
tion.

A quantity of more than twenty-five pounds, or a dozen canisters of one pound each, sold at any one time, shall be deemed to be sold wholesale, and any less quantity than that hereinabove mentioned shall be deemed sold by retail."

37 V., c. 3, s.  
17, amended.

**13.** Section 16 of the act of this province, 36 Vict., ch. 3, as replaced by the act 37 Vict., ch. 3, s. 17, is amended by substituting the following for the first paragraph thereof:

Dues for  
wholesale spi-  
rituous  
liquors.

" There shall be paid to the revenue officer, by every person who takes out any such license, under this act, \$100, if the annual rent of the place for which the license is asked does not exceed \$200,—\$125, if such rent exceeds \$200, but does not exceed \$400,—and \$150, if such rent exceeds \$400.

Case of  
license deter-

**14.** In the case of paragraphs 1 and 5 of section 125 of " the Quebec License Act," as amended by this act, res-

pecting the cities of Quebec and Montreal, and in the case of section 13 of this act, if the annual rent cannot be established by the valuation roll, or if the place for which the license is demanded, is the property of the person asking for such license, or is occupied by him otherwise than as tenant, the amount to be paid on the license shall be determined by the annual value of such place. mined by the annual value.

**15.** The inn, hotel, or tavern, house or place of public entertainment, shop or store, for which a license is demanded comprises all the apartments and stories of the same building communicating with each other, as also yards, coach-houses, stables and other dependencies, forming part of the establishment for which the license is demanded, any lease or agreement to the contrary notwithstanding. What comprises the inn.

**16.** The annual rent or the annual value in accordance with which the price of licenses is in certain cases determined, shall be the same as those established in the valuation roll in force in the city or municipality for the purposes of municipal taxation. Mode of establishing the rent or annual value.

**17.** Any person applying for a license, the price whereof is determined by the amount of the annual rent or of the annual value, as the case may be, shall be bound to produce, together with his application, a certificate from the clerk or secretary of the city or municipality, establishing the amount of such rent or annual value, as set forth in the valuation roll. Certificate, &c., be produced.

**18.** Each such clerk or secretary shall be bound to furnish the certificate specified in the preceding section, on demand made to him therefor, under a penalty of fifty dollars for each contravention, or, in default of payment, of imprisonment for three months. Duty of the municipal clerk, or sec.-treas. Penalty.

**19.** Paragraph 5 of section 2 of the act of this province, 38 Vict., chap. 5, is repealed. 38 V. c. 5, s. 2. ¶ 5 repealed.

**20.** Section 2 of "the Quebec License Act," as amended by the act 37 Vict., chap. 3, s. 1, is further amended by substituting the words "seventy-five dollars," for the words "fifty dollars," and the words "thirty-five dollars" for the words "twenty-five dollars." 34 V. c. 2, s. 2 further amended. Penalty.

The provision added by the act 38 Vict., chap. 5, to section 2, of "the Quebec License Act," is amended so as to read as follows: 38 V., c. 5, s. 2 amended.

"But if such contravention takes place in the city of Montreal, the person committing the same shall incur a penalty of ninety-five dollars, whereof fifteen, on recovery, shall belong to the informer, fifteen to the revenue officer,

and the balance to the province. If the whole penalty and costs are not fully recovered, the amount collected shall be first employed in payment of costs, and the balance shall be distributed in the proportion of the sums aforesaid.

34 v., c. 2, s.  
6, amended  
Penalty.

**21.** Section 6 of "the Quebec License Act," is amended by substituting the words "seventy-five dollars" for the words "fifty dollars."

s. 31 amend-  
ed.  
Penalty.

**22.** Section 31 of the same act is further amended by substituting the words "seventy-five dollars" for the words "fifty dollars."

36 v., c. 3, s.  
13, amended.  
Penalty.

**23.** Section 13 of the act of this province, 36 Vict., chap. 3, is further amended by substituting the words "seventy-five dollars," for the words "fifty dollars."

34 v., c. 2, s.  
130 and 131  
repealed.

**24.** Sections 130 and 131 of "the Quebec License Act" are repealed.

s. 184 re-  
placed.

**25.** Section 184 of the same act, as amended by the act of this province, 36 Vict., chap. 3, s. 7, is replaced by the following :

Use of penal-  
ties if the  
whole is paid

"184. The penalties recovered under this act shall be disposed of in the following manner, that is to say :

1. If the whole of the penalty and the amount of the costs have been recovered, forty dollars of the penalty shall belong to the revenue officer, subject to the obligation of paying one half of such sum to the informer, if there be an informer, and the balance shall be paid over to the treasurer, to form part of the consolidated revenue fund ;

If only one  
part is paid.

2. If the whole amount of the penalty and costs has not been recovered, the amount recovered shall be applied, first to the payment of the costs, and the balance shall be divided between the revenue officer, the informer, if any, and the treasurer of the province, in the proportion mentioned in the preceding sub-section ;

Case of con-  
viction on  
view.

3. In the case of convictions on view, the penalty, or as much thereof as shall be recovered, over and above costs, shall be paid, one-third to the corporation of the municipality within the limits of which the offence has been committed, one-third to the revenue officer, and the other third to the treasurer, to form part of the consolidated revenue fund ;

Suits by the  
revenue  
officer.

Sub-sections one and two of this section, shall apply only to suits instituted by and in the name of the revenue officer.

Exception for  
Montreal.

This section, nevertheless, is subject to the application of the provision added to section 2 of "the Quebec License Act," by the act of this province, 38 Vict., chap. 5, s. 1, as amended by this act

Who recovers  
the penalties  
and costs and

In all cases, the penalty and the costs, or the amount recovered, shall be payable into the hands of the magistrate sitting in such causes, or if such magistrate is a

district magistrate, or police magistrate, into the hands of apportions  
his clerk ; and such magistrate or clerk shall thereupon, <sup>them.</sup>  
without delay apply, divide and apportion the amount  
recovered, in the manner prescribed by this section."

**26.** No place in which spirituous, vinous or fermented <sup>Conditions</sup>  
liquors are sold or retailed, or in which there are one or <sup>required for</sup>  
more billiard tables, shall be deemed not to fall within <sup>clubs,</sup>  
the application of " the Quebec License Act, " as regards  
the sale of liquors, or the keeping of billiard tables, on the  
pretext that such place is for the use of a club or other  
association of the kind, unless the profits made in such  
place belong to the shareholders of, or subscribers to, such  
club or association, and that the latter are legally consti-  
tuted by act of incorporation, and unless they are *bond*  
*fide* proprietors of all the furniture of the establishment  
and owners or lessees of the building.

**27.** The foregoing provisions shall form part of " the <sup>Interpreta-</sup>  
Quebec License Act ; " may be cited under the numbers <sup>tion.</sup>  
assigned them by this act ; shall apply to the same  
references as the provisions for which they are substi-  
tuted or which they amend, and shall have in general  
the same force or application as the said license act.

**28.** This act shall come into force on the day of the <sup>Act into force.</sup>  
sanction thereof.

## C A P. V I I .

An Act to compel assurers to take out a License.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and con-  
sent of the Legislature of Quebec, enacts as follows :

**1.** Every assurer, carrying on in this province, any <sup>Assurers</sup>  
business of assurance, other than that of marine assurance <sup>bound to take</sup>  
exclusively, shall be bound to take out a license, before <sup>a license.</sup>  
the first day of May, in each year, from the revenue  
officer of the district wherein is situate his principal place  
of business or head agency, and to remain continually  
under license.

**2.** The price of such license shall consist in the pay- <sup>Price of such</sup>  
ment to the crown for the use of this province, at the <sup>license.</sup>  
time of the issue or delivery of any policy of assurance,  
except of marine assurance. and at the time of the making  
or delivery of each premium receipt or renewal, respect-  
ing any policy issued before or after the coming into force  
of this act, of a sum computed at the rate of three per

cent as to assurances against fire, or of one per cent as to other assurances, for each hundred dollars or fraction of one hundred dollars of the amount received as premium or renewal of assurance, by the assurer, his agent or employee.

Mode of  
payment.

And such payment shall be made by means of one or more adhesive stamps equivalent in value to the amount required, to be affixed by the assurer, his agents, officers, or employees, on the policy of assurance, receipt or renewal, as the case may be, at the time of the drawing up, issue or delivery thereof.

Fraction  
reckoned as  
a cent.

3. When the amount to be paid, in virtue of the preceding section shall include a fraction of a cent, such fraction shall be reckoned as one cent.

Penalty on  
default of  
payment,  
against the  
agent or his  
employee.

4. Any person, who for or on behalf of an assurer bound to take out a license under the present act, or in the name of such assurer, shall deliver any policy of assurance, receipt for premium, or renewal, without such policy, receipt or renewal being stamped to the amount required, shall be liable, for each contravention, to a penalty of fifty dollars, or in default of payment, to imprisonment for any term not exceeding three months.

Penalty  
against the  
assurer.

5. Every assurer, bound to take out a license under the present act, for whom or in whose name, any policy of assurance, or any premium receipt or renewal, shall have been delivered, without the same having been stamped to the amount required, shall be liable, in each case, to a penalty not exceeding fifty dollars, or in default of payment, unless such assurer be a corporation, to imprisonment not exceeding three months.

Obligation of  
cancelling  
stamps.

6. Any person who affixes stamps under this act, shall be bound to cancel the same, at the time of so affixing the same, by writing, stamping or printing with ink, on each of the stamps affixed, the date of the affixing thereof, in such manner as to obliterate and cancel each such stamp so completely, that it cannot be again used, under a penalty of fifty dollars, for each contravention, or in default of payment, of imprisonment for any term not exceeding three months.

Penalty.

Effect of the  
issue without  
stamps.

7. Policies of assurance, premium receipts or renewals, not stamped as required by this act, shall not be invoked, and shall have no effect in law or in equity, before the courts of this province.

Definition of  
the word  
"assurer."

8. The word "assurer" used in this act, means and includes all persons, firms, corporations, and all companies, societies or associations, whether incorporated or unin-

incorporated, carrying on the business of assurance on life, or against fire or accidents, or the business of guaranteeing public functionaries or other employees, or any other assurance business whatsoever.

**9.** The provisions of the second part of "the Quebec License Act" and the amendments thereto, and specially the provisions and amendments respecting the granting, form and cancelling of licenses, the fee to be paid, the recovery and application of penalties, and the application of the duties levied, shall apply to the licenses required by this act, and to cases of contravention in respect thereof, in the same manner as if they were herein anew enacted, save in so far as they are inconsistent with this act. The Quebec License Act shall apply.

**10.** This act shall not affect any policy, premium receipt or renewal, in relation to assurances, wherein the interests assured are beyond the limits of this province. Assurances not affected.

**11.** Section 13 of the act of this province, 31 Vict., chap. 2, shall apply to this act. 31 v. c. 2, sec. 13, shall apply.

**12.** The stamps required as the cost of the license in virtue of this act, shall only be so required from and after the first day of the month of May next. Act into force as to law stamps.

### C A P . V I I I .

An Act to aid the grant for the purposes of the Administration of Justice.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** A duty of ten cents payable to the crown, for the uses of this province, shall be levied on each receipt, bill of particulars, and exhibit whatsoever, produced before the superior court, the circuit court or the magistrate's court. Duty on exhibits, &c.

**2.** The duty mentioned in the preceding section shall form part of the consolidated revenue fund of the province, and shall be levied in the same manner as other duties on law proceedings, now payable to the crown; and all the provisions of law applicable to such latter duties, shall apply with the same effect, to the duty imposed by this act. Use of the duty : its collection.

**3.** The corporation of any city, town, village or municipality, within the limits of which any person shall have been sentenced to imprisonment in the common gaol of Municipal corporations bound to pay

for certain  
prisoners.

the district, in virtue of the act respecting vagrants (Canada 32-33 Vict., chap. 28,) or for contravention of the by-laws of such city, town, village or municipality council, shall be bound to pay to the sheriff of such district, a sum of twenty-five cents for each day, during which such person shall be detained in the gaol.

Duty of the  
sheriff.

4. It shall be the duty of the sheriff of every district to demand, at the end of each month, the sums due during such month by corporations, under the preceding section, and on refusal of payment, the sheriff may in his own name, sue for the recovery thereof, by action of debt, before any competent court.

Act into  
force.

5. This act shall come into force on the first day of February, eighteen hundred and seventy-six.

### C A P. I X.

An Act to amend the act of the late province of Canada, 27-28 Vict., chap. 5, respecting the affixing of Stamps on law proceedings.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

27-28 v., c. 5,  
s. 18, amend-  
ed.

1. Section 18 of the act of the late province of Canada, 27-28 Vict., chap. 5, is amended by adding thereto after the words "in the case" the words following: "or to the prothonotary or clerk of such court."

Interpreta-  
tion.

2. This act shall form part of the act amended by the preceding section, and shall apply to the same references as such act.

### C A P. X.

An Act to amend the act of this province, 32 Vict., chap. 11, respecting the sale and administration of Crown Lands.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Effect recog-  
nized to cer-  
tain docu-  
ments signed  
by an agent.

1. All licenses of occupation, certificates of sales or receipts for moneys paid on the sale of public lands, and all location tickets issued and signed by any crown land agent, in favor of any person who has purchased public

lands, shall have the same effect in respect of such person and his assigns, and shall confer upon them the same rights, powers and privileges, in relation to the lands for which they have been issued, and shall subject them to the same conditions, as if such person had obtained from the commissioner of crown lands an instrument in the form of a license of occupation in conformity with section 16 of the act 32 Vict., chap. 11.

2. All licenses of occupation, certificates of sales, or receipts for moneys paid on the sale of public lands, and all location tickets granted or drawn up before the passing of this act, by the commissioner of crown lands or any of his agents, so long as the sale or concession to which they relate, is in force and has not been rescinded, shall have the same force and effect and shall equally profit the person in whose favor the same have been granted, or his heirs, and his legal representatives in virtue of an instrument registered in conformity with the provisions of the act hereinbefore cited, in the same manner and to the same degree, as the instrument in the form of license of occupation specified in section 16 of the said act.

Effect recog-  
nized to cer-  
tain docu-  
ments al-  
ready made.

3. This act shall not affect pending cases.

Pending  
cases.

4. This act shall come into force on the day of the sanction thereof.

Act into  
force.

## C A P . X I .

An Act to amend chapter 23 of the Consolidated Statutes for Lower Canada, respecting the sale and management of Timber on public lands.

[Assented to 24th December, 1875.]

**W**HEREAS it is not always desirable to have annual sales of timber limits, and whereas it is necessary to make more ample provision for the preservation and re-growth of timber on crown lands in this province; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

1. Nothing contained in section 2 of the act of this province 36 Vict., chap. 9, shall be construed in such manner as to render it obligatory to have an annual sale of timber limits.

36 v. c. 9, s.  
2, amended  
and inter-  
preted.

2. It shall be lawful for the lieutenant-governor in council, upon the recommendation of the commissioner of crown lands, to set aside certain portions of the forest

Reserve of  
forests.



lands of the crown vacant at the time, to remain forest.

Management  
of those re-  
serves.

3. The territories so set apart shall be reserved for the production and culture of timber, and shall be worked and managed, and the timber thereon be cut, as shall be ordered from time to time, by regulations made by the lieutenant-governor in council.

Cut on such  
reserves.

4. The timber cut from and upon such reserves shall be sold at public auction.

## CAP. XII.

An Act respecting the internal economy of the Legislative Assembly, and for other purposes.

[Assented to 24th December, 1875.]

HER Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Commissioners named  
for the execution of this  
act.

1. The speaker of the legislative assembly, for the time being, and three members of the executive council of this province, for the time being,—who may be appointed by the lieutenant-governor in council as commissioners under this act, they and each of them being also members of the legislative assembly, and the names and offices of whom and their appointment as commissioners being communicated to the legislative assembly, by message from the lieutenant-governor in the first week of each session of the legislature,—shall be, and they are hereby nominated, constituted and appointed commissioners for the purposes of this act; and any three of such commissioners, whereof the speaker of the legislative assembly for the time being shall be one, shall be, and they are hereby authorized to carry this act into execution.

Quorum.

Estimate  
prepared by  
the clerk of  
the Legis-  
lative Assem-  
bly.

2. An estimate shall annually be prepared by the clerk of the legislative assembly of the sums which will probably be required to be provided by the legislature for the payment of the indemnity and mileage of members, and of salaries, allowances and contingent expenses of the house, and of the several officers and employees thereof under his direction, and of the stationery of the house during the year commencing on the first day of July of each year.

Estimate by  
the sergeant-  
at-arms.

An estimate shall also be annually prepared by the sergeant-at-arms of the legislative assembly, of the sums

which will probably be required to be provided by the legislative assembly, for the payment of salaries or allowances of the messengers, door-keepers and servants of the house under his direction, and of the contingent expenses under his direction during the year as above mentioned.

Such estimates shall be submitted to the speaker for his approval, and shall be subject to such approval and such alterations as the speaker shall consider proper; and the speaker shall thereupon prepare an estimate of the sums requisite for the several purposes aforesaid, and shall sign the same.

Estimate by the speaker.

Such several estimates of the clerk, sergeant-at-arms and speaker, shall be transmitted by the speaker, to the treasurer for his approval, and shall be laid severally before the legislative assembly with the other estimates for the year.

Approval of such estimates.

3. An estimate shall also be annually prepared by an officer acting for that purpose, under the sanction of the legislative council and the legislative assembly, of the sum which will probably be required to be provided by the legislature for the printing services during the year commencing on the first July in each year, which shall be transmitted to the treasurer of the province for his approval, and shall be laid before the legislature, with the other estimates for the year.

Estimate for printing services.

Approval.

4. All sums of money voted by the legislature upon such estimates, or payable to the members and to the speaker of the legislative assembly, under the act of this province 33 Vict., chap. 4, shall be paid over to, and held by the treasurer of the province, subject to the order of the said commissioners or any three of them, of whom the speaker shall be one, and shall be paid or transferred to them or their order, at any time, and in such sums as they may deem requisite.

Disposal of the sums.

5. All the sums specified in the preceding section shall be paid according to the orders of the commissioners, from time to time issued, and the speaker shall to that end appoint an officer, who shall be styled the accountant to the legislative assembly, and shall require from such latter person, in order to guarantee the faithful accomplishment of his duties, security to an amount which the commissioners shall deem advisable.

How paid.

Accountant: security to be given by him.

An account shall be opened in one of the banks of Canada, in the name of the accountant, and the commissioners hereinabove mentioned shall pay or transfer, from time to time, such sums as they shall deem requisite, to the credit of the accountant, by means of an order signed by the speaker and two others of the commissioners.

Bank account.

Case of death  
or removal of  
the account-  
ant.

In the case of the death or removal from office of such accountant, the monies standing to his credit in the account aforesaid, shall be forthwith paid by the bank to the commissioners.

Disposal of  
the sums  
voted for  
printing.

6. The sums voted by the legislature for parliamentary printing shall be paid over to the treasurer and employed by him to the paying of printing services.

Bank ac-  
count.

For these services an account shall be opened in one of the banks of Canada, in such name as the legislative council and the legislative assembly may direct, and such sums as shall be deemed necessary shall be paid or transferred to the name of the person so selected, as the work progresses, to be accounted for in the printing account annual balance sheet.

Case of a  
surplus.

7. In case the sums voted by the legislature shall in any year be more than sufficient to pay and discharge all charges thereon, the commissioners shall within six weeks after the end of the session, after retaining in their hands a sum sufficient to answer all demands in respect of the same, which may be likely to arise before the beginning of the next session, pay the surplus to the treasurer of the province to form part of the consolidated revenue fund of the province.

Speaker con-  
tinued as  
commissioner  
after the  
dissolution.

8. For the purposes of this act, the person who shall fill the office of speaker at the time of any dissolution of the legislature, shall be deemed to be speaker until a speaker shall be chosen by the new legislature.

Vacancy in  
that charge.

In the event of the death or disability or absence from the province of the speaker, during any dissolution or prorogation of the legislature, the three remaining commissioners may execute any of the purposes of this act.

Enquiry into  
misconduct  
of an em-  
ployee.

9. If any complaint or representation shall be made to the speaker for the time being, of the misconduct or unfitness of any officer, employee, messenger or other person attendant on the legislative assembly, now or hereafter to be appointed, it shall be lawful for the speaker to cause an enquiry to be made into the conduct or fitness of such person.

Suspension or  
removal of  
the same.

If thereupon the speaker is convinced that such person has been guilty of misconduct, or is unfit to hold his situation, he may, if such officer, employee, messenger or other person has been appointed by the crown, suspend him and report such suspension to the lieutenant-governor; and if he has not been appointed by the crown, then the speaker may suspend or remove such person as the case may be, and such person shall be accordingly so suspended or removed as the case may be.

**10.** Immediately after the passing of this act, the clerk of the legislative assembly shall take and subscribe the oath of allegiance before the speaker, and all the other officers, employees and messengers of the legislative assembly shall take and subscribe the oath of allegiance before the clerk of the legislative assembly. Oath of allegiance.

Any officer, employee or messenger who shall be in future appointed, shall before his entry into office, take and subscribe the same oath.

The clerk of the legislative assembly shall preserve a register of all such oaths.

**11.** For the purposes of this act, all sums payable to members of the legislative assembly, under the act of this province 33 Vict., chap. 4, and all sums voted and appropriated for the payment of salaries, allowances, contingent expenses and stationery of the legislative assembly, for the fiscal year expiring on the thirtieth day of June, one thousand eight hundred and seventy-six, and for the fiscal year expiring the thirtieth day of June, one thousand eight hundred and seventy-seven, shall be deemed and taken as having been based upon the estimates mentioned in the second section of this act, and shall be subject to the several provisions of this act, in respect to the mode of payment thereof respectively, and of the disposal of any surplus thereof. This act shall apply to sums already voted.

**12.** All sums of money which, under the eighth section of the act of this province 33 Vict., chap. 4, might heretofore have been advanced to the clerk of the legislative assembly, shall after the passing of this act be paid over to the treasurer for the purposes and under the authority of this act. 33 v., c. 4, amended.

So much of the fourth, seventh and of the ninth sections of the said act, as respects the clerk of the legislative assembly, shall be repealed after the passing of this act, and the accountant shall thereafter perform the duties assigned to the clerk.

**13.** This act shall come into force on the first day of January, 1876. Act into force.

## CAP. XIII.

An Act to amend "the Quebec Election Act," (38 Vict., chap. 7.)

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

38 v., c. 7, s.  
2, sub-sec. 4  
amended.

**1.** Sub-section 4 of section 2 of "The Quebec Election Act" is amended by adding at the end thereof the words, "and who derives the revenue therefrom."

S. 14 amended

**2.** Section 14 of the same act is amended by substituting the number "11" for the number "12."

S. 26 replaced

**3.** Section 26 of the same act is replaced by the following :

List by clerk,  
*ad hoc*.

"26. The mayor and the officers of the council, in so far as the same is incumbent upon them, shall be bound to deliver to the clerk *ad hoc* on his demand, the valuation roll, which is to avail, as the basis of the list of electors, under a penalty not exceeding two hundred dollars, or in default of payment, of imprisonment not to exceed six months."

S. 27 replaced.

**4.** Section 27 of the same act is replaced by the following :

Examination  
of the list on  
complaint.

"27. The list of electors may be examined and corrected by the council of the municipality, in the thirty days next after the publication of the notice, given in virtue of section 21, upon complaint in writing to such effect, under either of the two sections following, and not otherwise."

S. 29 replaced

**5.** Section 29 of the same act is replaced by the following :

Person com-  
plaining.

"29. Any person believing that the name of any person entered on the list, should not have been so entered, owing to his not possessing the qualifications required for an elector, or believing that the name of any other person, not entered thereon, should be so entered, owing to his possessing the qualifications required, may file a complaint in writing to such effect within the same delay of fifteen days."

S. 41 replaced

**6.** Section 41 of the same act is replaced by the following :

Appeal.

"41. Any person may appeal from any decision of the council correcting or amending the list, to the judge of the superior court for the district, within the fifteen days following such decision, by petition in which shall be briefly set forth his grounds of appeal."

**7.** Section 42 of the same act is replaced by the following: S. 42, replaced.

"42. If the council has neglected or refused to take into Appeal. consideration, within the time prescribed, a complaint duly filed, any person may appeal to such judge therefrom, in the manner and within the delay prescribed in the preceding section."

**8.** Sections 59, 60, 89 and 91 of the same act are amended, by substituting for the words "three hundred," Ss. 59, 60, 89 and 91 amended. wherever they occur in such sections, the words "two hundred."

**9.** Section 89 of the same act is further amended by S. 89 amended. striking out the words: "upon receipt of the writ of election."

**10.** Section 96 of the same act is amended by striking S. 96 amended. out the third sub-section thereof.

**11.** Section 99 of the same act is amended by adding Sec. 99 amended. thereto the words following: "and sections 128a, 128b, 128c, and 128d, of 'the Quebec controverted elections act, 1875.'"

**12.** Section 101 of the same act is amended by substituting for the last word of such section, in the french S. 101, french version, amended. version, the word "Saguenay."

**13.** Section 109 of the same act is amended by inserting therein, after the words "one-half," the words following: "the number." S. 109 amended.

**14.** Section 137 of the same act is amended by adding S. 137 and form K amended. thereto the words following: "as also of the different polls established by him, together with the territorial limits of each of such polls."

Form K of the same act shall be amended and applied in conformity with the preceding provision.

**15.** Section 135 of the same act is amended by adding S. 135 amended. thereto the following provision:

"Nevertheless, if he has been elected, he may dispose Eligibility. of the property specified in his declaration, provided that at all times during his term of membership, he is the owner of lands or tenements within the province, of the value of two thousand dollars, over and above all rents, hypothecs, incumbrances and hypothecary claims."

**16.** Section 149 of the same act is amended by inserting therein, after the words "form O," the words following: "without a line on the right of the names." S. 149 and form O amended.

Form O shall be changed in consequence.

S. 170 amend-  
ed.

**17.** Section 170 of the same act is amended by striking out the words following: "or other mark on the right hand side," and by inserting therein, in the place of such words so struck out, the following words: "with a pencil."

S. 229 amend-  
ed.

**18.** Section 229 of the same act is amended by adding thereto, after the number "226," the number following: "227."

Canvassing.

**19.** The payment of money or other valuable consideration, made to any person, to engage him to work, or for having worked, as a canvasser, shall be corrupt practice, within the meaning of the provisions of "The Quebec Election act."

Interpreta-  
tion.

**20.** The preceding provisions shall form part of "the Quebec Election act," shall apply to the same references as the provisions for which they are substituted or which they amend, may be cited in the same manner as such provisions, and shall in general, have the same force or application as "the Quebec Election act."

Act into force.

**21.** This act shall come into force on the day of the sanction thereof.

## APPENDIX.

Form O, of "the Quebec Election Act" as amended by 39  
*Vict., chap. 18, s. 16.*

*Ballot Paper.*

18    Election for the Electoral District of	<b>1</b>	DUREAU. [Jean Dureau, town of Sorel, county of Richelieu, merchant.]
	<b>2</b>	MEUNIER. [Joseph Meunier, city of Montreal, 10, Fontaine street, Montreal.]
	<b>3</b>	RICHARD. [Antoine Richard, of the parish of St. Henri, county of Lévis, farmer.] .      ×
	<b>4</b>	RICHARD. [Joseph Richard, of the town and coun- ty of Lévis, advocate.]





ANNEX.

## CAP. XIV.

An Act to amend "The Quebec Controverted Elections Act, 1875," (38 Vict., chap. 8.)

(Assented to 23rd November, 1875.)

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. "The Quebec Controverted Elections Act 1875," is <sup>38 v., c. 8, s.</sup> amended by inserting at the end of the first paragraph of <sup>56 amended.</sup> section 56, the following words : "and article 275 of the code of civil procedure shall apply."

2. The same act is amended by inserting therein, after section 56, the section following : <sup>Sect. 56a inserted.</sup>

"56a. All proceedings respecting the trial of an election petition shall be suspended, during the sessions of the Legislature of this province, and during the eight days which precede and the three days which follow such sessions, on the mere application of the sitting member." <sup>Suspension of the proceedings.</sup>

3. The same act is amended by inserting therein, after section 128, the following sections :

"128a. If the election is set aside on account of any corrupt practice on the part of one or more agents, without the knowledge and consent of the candidate, such agents may be condemned jointly and severally with the respondent, to pay, in whole or in part, the costs awarded to the petitioner." <sup>Sections 128a, b, c, d, inserted.</sup>

"128b. The judge or court shall order that such agents be summoned to appear to be heard, within a fixed delay. <sup>Summons of agents.</sup>

If they do not appear, they shall, on the proof already taken, be condemned to pay the costs, in whole or in part, as shall be deemed just. <sup>Judgment.</sup>

If they appear, the judge or court, after having heard the parties and the proof adduced, shall render such judgment as law and justice require."

"128c. The petitioner may execute the judgment for the costs against any agents so condemned, in the same manner as against the respondent. <sup>Execution against agents.</sup>

"128d. The agent so condemned may be imprisoned for any term not exceeding two months, in default of payment of the amount of the judgment. <sup>Imprisonment.</sup>

4. The foregoing provisions shall form part of "The Quebec Controverted Elections Act, 1875," shall take their place in the body of such act in the places indicated by this act, may be cited under the numbers assigned them, <sup>Interpretation.</sup>

and shall in general have the same force or application as "The Quebec Controverted Elections Act, 1875."

Pending cases.

**5.** Sections 128*a*, 118*b* and 128*c*, added by section 3 of this act shall not apply to pending contestations.

Act in force.

**6.** This act shall come into force on the day of the sanction thereof.

## C A P . X V .

An Act to further amend the law respecting Public Instruction.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

### I. OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

31 v., c. 10 repealed.  
Superintendent.

**1.** The act of this province 31 Vict., chap. 10, is repealed; and the department of public instruction is restored to the charge of a superintendent.

Appointment.  
Salary.

**2.** The superintendent of public instruction shall be appointed by the lieutenant-governor in council, shall hold his office during pleasure, shall have an annual salary of four thousand dollars, and shall give security, in conformity with the act of this province, 32 Vict., chap. 9.

Security.

Powers.

**3.** The superintendent of public instruction shall possess all the powers, functions, rights and obligations conferred or imposed by law, on the superintendent of education, at the time of the coming into force of this act.

Powers.

**4.** He shall further discharge all the duties which the lieutenant-governor in council may see fit to assign to him, respecting:

1. The establishment or encouragement of art, literary or scientific societies;

2. The establishment of libraries, museums or picture galleries, by such societies, by the government, or by institutions receiving government aid;

3. The support of competitions and examinations, and the distribution of diplomas, medals or other marks of distinction, for artistic, literary or scientific labors;

4. The establishment of schools for adults, and the instruction of laborers and artisans;

5. All which in general relates to the support and encouragement of arts, letters and science;

6. And the distribution of the funds placed at his disposal by the legislature, for each of such objects.

5. The superintendent of public instruction shall compile and publish statistics and information, respecting educational institutions, public libraries, and art, literary and scientific societies, and in general respecting all subjects connected with literary and intellectual progress. Publication of statistics and information.

6. The superintendent shall annually draw up, in accordance with the directions of the council of public instruction, or of the committees thereof, as the case may be, a detailed statement of the sums required for public instruction, and shall submit the same to the government. Budget of the public instruction.

7. The superintendent of public instruction, in the exercise of all his functions, is bound to comply with the directions of the council of public instruction, or with those of the roman catholic committee or protestant committee, as the case may be, in conformity with section 16 of this act. Superintendent acts according to the instructions of the council and committees.

8. Two secretaries of the department of public instruction may be appointed, as may also all other officers required for the due administration of the laws respecting public instruction. Secretaries and officers.

9. All documents, whether originals or copies, signed by a secretary or assistant secretary of the department of public instruction, shall be authentic, and make proof of their own contents without it being necessary to prove the signature. Authenticity of documents signed.

10. The department of public instruction shall form part of the civil service of the province; and the lieutenant-governor in council shall designate the functionaries of such department who shall be members of the board of examiners for the civil service. Department forms part of the civil service.

Section 4 of the act of this province 31 Vict., chap. 8, is repealed. 31 v., c. 8, s. 4, repealed.

## II. OF THE COUNCIL OF PUBLIC INSTRUCTION.

11. After the coming into force of this act, the roman catholic portion of the council of public instruction, shall be composed of the bishops (ordinaries) or administrators of each of the roman catholic dioceses comprised in the province, either in whole or in part, who shall *ex officio* form part thereof, and of an equal number of other roman catholics to be appointed by the lieutenant-governor in council. Catholic part of the council.

Delegate.

Each such bishop or administrator, if he is unable through illness or absence from the province, to be present at the meetings of the council, or at those of the committee of which he forms part, may appoint a delegate to represent him, and such delegate shall have all the rights of the person appointing him.

Protestant part.

**12.** The protestant portion of the council of public instruction shall be composed as provided for by section 1, of chapter 16 of 32 Victoria.

Idem.

**13.** Whenever the number of roman catholic members, nominated by the lieutenant-governor in council, shall be augmented by more than seven, the number of the protestant members of that council shall be augmented, in the same proportion and in the same manner.

Super. is memb. of the council and committees.

**14.** The superintendent shall be *ex-officio* president of the council of public instruction.

He shall be also *ex-officio* a member of each of the committees thereof, but he shall only be entitled to vote in the committee, of the religion to which he belongs.

Persons added to the protestant committee.

**15.** The members of the protestant committee may add to their number five persons, to assist in the labors of their committee.

Such persons shall not form part of the council of public instruction, but shall have, in the protestant committee, all the powers of the members of such protestant committee.

Exclusive jurisdiction of the committees.

**16.** Everything which, within the scope of the functions of the council of public instruction, respects specially the schools, and public instruction generally, of roman catholics, shall be within the exclusive jurisdiction of the roman catholic committee of such council.

In the same manner, everything which within the scope of such functions respects specially the schools and public instruction generally of protestants, shall be within the exclusive jurisdiction of the protestant committee.

Donations, legacies, etc., to the committees.

**17.** Each of such committees may receive by donation, legacy, or otherwise *à titre gratuit*, money, or other property, and may dispose of the same in its discretion, for the purposes of instruction.

Each such committee shall possess, in respect of property so acquired, all the powers of a body politic and corporate.

Idem.

**18.** In the event of any person making a legacy to the council of public instruction, without stating the committee for which he designed the same, the legacy shall

belong to the committee of the religion, to which the testator belonged, at the time of his death.

If the testator belonged neither to the roman catholic religion, nor to the protestant religion, the legacy shall be divided between the two committees, in the proportion of the roman catholic and protestant populations of this province.

**19.** The sums of money which shall have been granted to roman catholics or protestants, for the purposes of public instruction, or any part thereof which shall have not been expended, shall remain at the credit and disposal of the committee which had the control thereof. Surplus of the sums voted.

**20.** Each such committee shall have the sittings or meetings thereof separate, and it may fix their period and number, establish its quorum, settle the mode of procedure at its meetings, appoint a chairman and secretary, and revoke such appointments at pleasure. Meetings of the committees.

**21.** The chairman of each committee shall have, on all questions, in which the votes are equal, a second or casting vote. President thereof.

**22.** Special meetings of each of such committees may be convened by the chairman, or by the superintendent of public instruction, by notice given at least eight days in advance. Special meetings.

If two or more members of either committee require in writing the superintendent or chairman of their respective committee, to convene a special meeting of such committee, it shall be the duty of the superintendent or of the chairman to convene it, in the manner prescribed by the provision preceding.

**23.** School inspectors, professors, directors and principals of normal schools, the secretaries, and the members of board of examiners, shall be appointed or removed by the lieutenant-governor in council, on the recommendation of the roman catholic or protestant committee of the council of public instruction, according as such appointments or removals respect roman catholic schools or protestant schools. Appointment of the inspectors, principals, professors and secretaries.

**24.** An appeal may be had to the committee of the council of public instruction, which it concerns, from any decision or action of the superintendent of public instruction, or of any person discharging his duties by delegation or otherwise. Appeal from the decisions of the superintendent to the committees.

**25.** All provisions in any act or law, inconsistent with this act, are repealed.

Act in force: **26.** This act shall come into force on the first day of February next.

## CAP. XVI.

An Act to amend the Laws respecting Education in this Province, in so far as regards schools, in the city of Montreal.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

\$25,000 yearly, for school houses.

**1.** The roman catholic school commissioners and the protestant school commissioners of the city of Montreal, notwithstanding any provision to the contrary contained in the thirty-fifth section of the act thirty-two Victoria, chapter sixteen, including therein the amounts which they are authorized to lay aside by the third section of the act thirty-fourth Victoria, chapter twelve, and of the second section of the act thirty-sixth Victoria, chapter thirty-three, may respectively lay aside a portion of these revenues not exceeding the sum of twenty-five thousand dollars per annum, to acquire real estate and to construct school houses in the said city.

Debentures.

And all the debentures which the said commissioners may hereafter issue, for the purpose of borrowing any sum of money for the purchase of land and the construction of school houses, in the said city, may be made redeemable within a period not to exceed thirty years next after the date of their issue and not afterward, and the said thirty-fifth section of the said chapter sixteen, of the act thirty-second Victoria, and the third section of the act thirty-four Victoria, chapter twelve, and the second section of the act thirty-sixth Victoria, chapter thirty-three, are in consequence hereby amended.

32 v., c. 16, s. 35, 34 v., c. 12 s. 3, and 36 v., c. 33, s. 2, amended.

Secretary and Treasurer: salaries.

**2.** The said roman catholic school commissioners and the said protestant school commissioners of the city of Montreal, may hereafter fix and determine the salary of their secretary-treasurer, notwithstanding any provision to the contrary; and they may also appoint a secretary and a treasurer separately and fix and determine their salary.

## CAP. XVII.

An Act to authorize the catholic school commissioners of the school municipality of St. Henri, county of Hochelaga, to raise a certain sum, and purchase real property and erect buildings thereon, for school purposes.

[Assented to 24th December, 1875.]

**W**HEREAS, the catholic school commissioners for the Preamble.  
school municipality of St. Henri, county of Hochelaga, have by their petition prayed to be allowed to acquire real property, and erect buildings for educational purposes and establish within the limits of the said school municipality all such schools as the said commissioners may deem necessary, and for this purpose to raise a sum not exceeding \$50,000, and whereas, it is expedient to grant their prayer: Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Notwithstanding any provision of the law on education now in force in this province to the contrary, it shall be lawful for the catholic school commissioners of the school municipality of St. Henri, county of Hochelaga, to acquire within the limits of their municipality, immoveable property, to build one or more school houses thereon, and to establish therein all such schools as the said commissioners shall deem advisable, and for these purposes to raise a sum not exceeding fifty thousand dollars. Acquisition of properties and loan of \$50,000.

2. It shall be lawful for the said commissioners to borrow money, to issue debentures or bonds to the amount of the said sum of fifty thousand dollars, or else to impose a special tax to raise the said sum, the said tax to be spread over as many years as the said commissioners shall deem advisable, provided that the annual tax does not exceed ten thousand dollars. Bonds.  
Tax.  
Proviso:

3. The said special tax shall be raised and collected in the same manner as the annual taxes, the said commissioners having for the raising and collection of such special tax, the same rights granted by law for the levying and collection of the annual taxes; and such tax shall not be levied, nor such bonds or debentures shall be issued, nor such loan contracted, except after the observance of the following formalities, that is to say: Collection of the tax.  
Formalities required.

4. The said commissioners, after passing a resolution to levy the said tax, issue the said bonds or debentures, Resolution.



## Notice.

or effect the said loan, shall cause their secretary-treasurer to give notice of the place and hour in which the said resolution shall be submitted for the approval of the ratepayers qualified to vote at the election of school commissioners.

## Publication.

5. The said notice shall on two consecutive sundays, be read at the church door of the roman catholic church of the village of St. Henri, and a copy thereof shall be posted up on the first Sunday, upon the door of the said church.

## Meetings.

6 The meeting shall be held in the place indicated in the said notice, within the limits of the said municipality; it shall commence at the hour of ten in the morning, and shall be presided over by the chairman of the commissioners, or by another rate-payer appointed by them.

Approval of  
the rate-pay-  
ers.

7. At the place, and on the day and hour indicated, the said chairman shall open the meeting by explaining the purpose thereof, and shall demand of the rate-payers then present if they approve of the said resolution. If no one objects thereto during the space of one hour, the said chairman shall declare the said resolution approved; but if ten rate-payers qualified to vote as aforesaid at the election of commissioners, shall within the said hour oppose the said resolution, the chairman shall immediately open a poll to record the votes of the rate-payers. The

## Poll.

said poll shall remain open until four of the clock in the afternoon, and on the following day from ten in the forenoon until four in the afternoon.

## Votes.

8. The votes of electors in favor of the resolution shall be recorded under the word "yea," and the votes of those against it, under the word "nay."

Consequence  
of the vote.

9. If at the close of the poll, the "yeas" are in a majority, the said resolution shall be held to have been approved, and the tax may be levied and collected, or the said loan may be effected, or bonds issued; if the "nays" are in a majority the said resolution shall remain without effect.

If, however, the "nays" are in a majority, the commissioners may, at the end of a year, again submit the said or any other resolution to the approval of the rate-payers, in the manner above prescribed.

## Tax required.

10. No issue of bonds or debentures shall take place, and no loan be effected, until there shall, by the resolution authorizing the same, be imposed upon the taxable property of the catholics only, liable for the payment of such loan or bonds, an annual tax sufficient to pay the

yearly interest, and at least two per cent in addition to Sinking fund the interest, to form a sinking fund, until the said debt is extinguished.

**11.** The rate-payers, proprietors of such real estate, Voters, shall alone have the right to vote upon the approval or disapproval of such resolution.

**12.** The delay to contest the proceedings had under such resolution, shall be thirty days and no longer. Delay to contest.

### C A P . X V I I I .

An Act to amend chapter 21 of the Consolidated Statutes for Lower Canada, respecting Interments and Disinterments.

*[Assented to 24th December, 1875.]*

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** Sub-section one of section two and section eight of chapter twenty-one of the consolidated statutes for Lower Canada, intituled: "An Act respecting Interments and Disinterments," are amended to read as follows: C. S. L. C., c. 21, ss. 2, 8, amended.

"2. On a petition being presented to any judge of the superior court, either in term or in vacation, by any person praying for leave to disinter a body or bodies buried in any church, chapel or burial-ground, with a view to erection, repair or alienation of a church, chapel or burial-ground, or with a view to re-interment of the said body or bodies, in another part of the same church, chapel or burial-ground, or in another church, chapel or burial-ground, or with a view to the reconstruction or repair of the tomb or coffin in which a body has already been buried, and indicating, in the case of a proposed removal of any body or bodies, the part of the same church, chapel or burial-ground, or the church, chapel or burial-ground, to which it is proposed to effect the removal, and on proof being made on oath to his satisfaction of the truth of the allegations contained in such petition, such judge may ordain that the body or bodies shall be disinterred as prayed for." Order for leave to disinter given by the judge of sup. court.

"8. Before proceeding to any disinterment in any roman catholic church, chapel or burial-ground, under this act, permission to that effect shall be obtained from the superior ecclesiastical authority of the roman catholic diocese, in which the same is situate." Permission of the Ec. authority, required.

## CAP. XIX.

An Act respecting the interment in roman catholic cemeteries.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS it is expedient to prevent all conflict between the ecclesiastical and civil authority, respecting roman catholic cemeteries in this province; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Interment of  
rom. cath. re-  
gulated by re-  
lig. authority.

**1.** It belongs solely to the roman catholic ecclesiastical authority to designate the place in the cemetery, in which each individual of such faith shall be buried after death; and if the deceased, according to the canon rules and laws, in the judgment of the ordinary, cannot be interred in ground consecrated by the liturgical prayers of such religion, he shall receive civil burial, in ground reserved for that purpose and adjacent to the cemetery.

Act in force.

**2.** This act shall come into force on the day of the sanction thereof.

## CAP. XX.

An act respecting the compilation of statistics of births, marriages and causes of death in the Province.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Compilation  
by the Dept.  
of Ag. and P.  
W.

**1.** The department of agriculture and public works, shall make and publish annually, a compilation of births, marriages and deaths, and also of the various diseases and causes of death in this province, by means of such information as it shall obtain under the following sections.

Blanks sent  
to prothono-  
taries.

**2.** The commissioner of agriculture and public works, shall, from time to time, transmit to all the prothonotaries of the superior court in this province, blanks or forms of information to be filled in and completed with the number of births, marriages and deaths and with that of the diseases and causes of death.

Distribution  
by them.

**3.** On receipt of such blanks or forms, each prothonotary shall be bound to transmit a sufficient number of copies thereof to all persons who, in the district, are authorized

by law to keep registers of the acts of civil status, and to all owners or administrators of cemeteries in such district.

4. Every person authorized to keep a register of the acts of the civil status and every owner or administrator of a cemetery, shall fill up and complete the blanks or forms of information which shall have been transmitted to them, and return them during the first six weeks of every year to the prothonotary of the district, who shall be bound to forward them without delay to the commissioner of agriculture and public works. Blanks fulfilled, where and when forwarded.

5. In case of an epidemic, should the lieutenant-governor so order by a proclamation to that effect, such blank forms shall be transmitted direct to the department of agriculture and public works, by those who shall have filled them up, and thus within the time specified in the proclamation. Case of an epidemic.

6. In localities where a cemetery is common to several parishes, the forms shall not be filled up, in so far as the deaths, diseases and causes of deaths are concerned, except by the owners or administrators of such cemetery. If a cemetery is common to several parishes.

7. The father, or in case of his death or absence, the mother of every child born, who shall not have caused such child to have been baptized or who, as in the case of persons of a creed other than the roman catholic one, shall not have caused the birth of such child to be registered by those persons authorized to keep a register of the acts of civil status, shall be bound to have the birth of such child registered within four months from the date of its birth, at the office of the secretary-treasurer or of the clerk of the municipality or city wherein is situate his domicile, or else with the nearest justice of the peace. If the children are not baptized.

Such justice of the peace shall, during the two first weeks of the month of January in each year, make to the secretary-treasurer or to the clerk of the municipality or city, his annual report of the births by him registered under the preceding section.

8. Every secretary-treasurer or clerk of a municipality or city, in whose office such births or reports of birth shall have registered shall each year, in the month of January, transmit a statement of such births to the department of agriculture and public works. Duty of the clerk or secretary-treasurer.

9. Any contravention to any one of the provisions of the two foregoing sections shall be punishable by a fine not exceeding fifty dollars. Penalty.

10. This act shall come into force the day of the sanction thereof. Act in force.

## CAP. XXI.

An Act to amend the Act of the heretofore Province of Canada, 24 Vict., chap. 24, respecting the practice of vaccination.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

24 v., c. 24, s. 1, amended. **1.** Section 1 of the act of the late province of Canada, 24 Vict., chap. 24, is amended by adding thereto the words following: "if the authorities of such hospital have been required so to do, by the lieutenant-governor in council.

## CAP. XXII.

An Act to amend the game laws in this Province.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

31 v., c. 26, s. 7, amended. **1.** Section 7 of the act of this province, 31 Vict., chap. 26, is amended, by substituting for the word "fourteen" the word "five."

id. s. 10, replaced. **2.** Section 10 of the same act, as amended by the act of this province, 32 Vict., chap. 38, s. 5, is replaced by the following:

Otter, beaver, musk-rat. "10. No otter shall be hunted, trapped or killed between the first day of May and the first day of October, in any year, no beaver between the thirtieth of April and the first of September, no musk-rat between the first of June in any year and the first of April following, for the districts of Quebec, Saguenay, Chicoutimi, Montmagny, Kamouraska, Rimouski and Gaspé, and between the first of May in each year, and the first of April following, for the remainder of the province."

Property of effects confiscated. **3.** All beasts or birds, or any part thereof, confiscated under section 6 of the said act 31 Vict., chap. 26, shall belong to the person who shall have seized the same.

Game-keepers and agents of fisheries, justices of the peace for certain acts. **4.** Every game-keeper appointed by the commissioner of crown lands and all agents of fisheries, shall, so long as their functions continue, be *ex-officio* justices of the peace, for everything in relation to the due execution of

this act, and of all other acts respecting game in this province, and they may exercise all the powers thereof, without possessing the qualification required by law.

5. This act, as also the act of this province 32 Vict., chap. 38, shall form part of the act 31 Vict., chap. 26, and shall be read and interpreted as forming one and the same act therewith.

### C A P. X X I I I.

An Act to amend the Law respecting the rights and liabilities of Innkeepers.

[Assented to 24th December, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Every innkeeper, boarding-house-keeper and lodging-house-keeper shall have a lien on the baggage and property of his guest, boarder, or lodger, for the value or price of any food or accommodation furnished to such guest, boarder, or lodger, and in addition to all other remedies provided by law, shall have the right in case the same shall remain unpaid, for three months, to sell by public auction the baggage and property of such guest, boarder or lodger, on giving one week's notice by advertisement in a newspaper published in the municipality in which such inn, boarding-house, or lodging-house, is situate, or in case there shall be no newspaper published in such municipality, in a newspaper published nearest to such inn, boarding-house, or lodging-house, of such intended sale, stating the name of the guest, boarder or lodger, the amount of his indebtedness, a description of the baggage or other property to be sold, the time and place of sale, and the name of the auctioneer ; and after such sale such innkeeper, boarding-house-keeper, or lodging-house-keeper may apply the proceeds of such sale in payment of the amount due to him, and the costs of such advertising and sale, and shall pay over the surplus (if any) to the person entitled thereto on application being made by him therefor.

2. No innkeeper shall, after the passing of this act, be liable to make good to any guest of such innkeeper, any loss of, or injury to goods or property brought to his inn, nor being a horse or other live animal, or any gear appertaining thereto, or any carriage, to a greater amount than the sum of \$200.00 dollars, except in the following cases (that is to say) :

1. Where such goods or property shall have been stolen, lost, or injured through the wilful act, default, or neglect of such innkeeper, or any servant in his employ ;

2. Where such goods or property shall have been deposited expressly for safe custody with such innkeeper ;

Provided alway, that, in case of such deposit, it shall be lawful for such innkeeper if he think fit, to require as a condition of his liability, that such goods or property shall be deposited in a box or other receptacle fastened and sealed by the person depositing the same.

Exception.

3. If any innkeeper shall refuse to receive for safe custody, as before mentioned, any goods or property of his guest, or if any such guest shall, through any default of innkeeper, be unable to deposit such goods or property, as aforesaid, said innkeeper shall not be entitled to the benefit of this act, in respect of such goods or property.

Innkeepers  
bound to  
keep posted  
up.

4. Every innkeeper shall cause to be kept conspicuously posted in the office, and public rooms, and in every bed-room in his inn, a copy of the second section of this act, printed in plain type ; and he shall be entitled to the benefit of the said section in respect of such goods or property only as shall be brought to his inn while such copy shall be so posted.

Interpretation.

5. In the construction of this act the word "inn" includes an hotel, inn, tavern, public house, or other place of refreshment, the keeper of which is now by law, responsible for the goods and property of his guests, and the word "innkeeper" means the keeper of any such place.

Art. 1816 c.  
c. amended.

6. Article 1816 of the civil code is hereby amended in the particulars above mentioned,

## C A P . X X I V .

An Act to amend article 210 of the civil code.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Art. 210 of c.  
c. amended.

1. Article 210 of the civil code is amended, so as to read as follows :

Separation  
from bed or  
board.

"210. The separation renders the wife capable of suing and being sued, and of contracting a n, for a that relates to the administration of her property ; but for all

acts and suits tending to alienate her immoveable property, she requires the authorization of her husband, or upon his refusal the authorization of a judge.

## CAP. XXV.

An Act to amend article 2179 of the civil code.

[Assented to 24th December, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Article 2179 of the civil code is amended by adding thereto the paragraph following: Art. 2179 c.  
c. amended.

"He is also bound, upon payment of the fee lawfully exigible, to communicate the index to immovables to all persons who desires to examine the same without ~~renewal~~ removal or version"

## CAP. XXVI.

An Act to declare from what day the delay for the renewal of the registration of hypothecs, after the *cadastrage*, shall begin to run.

[Assented to 24th December, 1875.]

WHEREAS article 2172 of the civil code provided that Preamble.]  
the registration of all hypothecs should be renewed within eighteen months after the proclamation bringing the provisions of article 2168 into force, which said proclamation is required by articles 2169 and 2176 to fix the day on which such provisions shall so come into force; and whereas by section four of the act of this province, 35 Vict., chap. 16, the said delay of eighteen months is extended to a period of two years; and whereas the English version states the said period to be from the *date* of the proclamation, and the French version states it to be from the *day* of the proclamation;

And whereas doubts have arisen as to the time from which the said period of two years should run; and whereas the intent of the said fourth section of the above mentioned act is that the said period should run from the day on which the provisions of article 2168 are put in force, and it is expedient to remove the doubts which have arisen; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:



When the delay begins to run.

1. The delay of two years granted by article 2172 of the civil code, as amended by the Act 35 Vict., chap. 16, for the renewal of the registration of hypothecs required by such article 2172, is declared to run, and shall in future begin to run, from the day fixed for the coming into force of the provisions of article 2168 of the civil code, in the proclamation to that end issued.

Pending causes.

2. This act shall not affect pending causes.

## CAP. XXVII.

An Act to supply the loss of certain Registers of Acts of Civil Status, of the Parish of *Ste. Marie de Monnoir*, in the County of Rouville.

[Assented to 24th December, 1875.]

Preamble.

WHEREAS on or about the sixth of November, 1875, the duplicates containing the original registers of the baptisms, marriages and burials of the parish of *Ste. Marie de Monnoir*, in the county of Rouville, for the current year (1875), whereof one contained the acts of baptisms, marriages and burials of such parish, for the months of November and December, 1874, have been secretly removed from the *sacristie* of such parish, and whereas there is reason to believe that they have been burned, which may be the occasion of serious injury to divers families and individuals; and whereas it is expedient to remedy the disappearance of such registers; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Duty of the prothonotary

1. It shall be the duty of the prothonotary of the superior court, at St. Hyacinthe, to cause a faithful transcript to be made in a book authenticated, in accordance with article 1236 of the code of civil procedure, of all entries of baptisms, marriages and burials, for the months of November and December, 1874, contained in the duplicate registers of civil status of the parish of *Ste. Marie de Monnoir*, for the year 1874, now deposited in the archives of his office.

His certificates.

2. Such officer shall, under his own hand, certify each of such entries, as being a true and faithful copy of the corresponding entry of the duplicate in his possession, and afterwards shall forward such book to the *curé* of the parish of *Ste. Marie de Monnoir*, to form part of the archives of such parish.

**3.** Such book shall be marked by the prothonotary as follows: "New duplicate of the registers of baptisms, marriages and burials, &c., (as the case may be), of the parish of *Ste. Marie de Monnoir*, for November and December, 1874, made in conformity with the act 39 Vict., chap. 27." Designation of the book.

**4.** The *Curé* now in office of the parish of *Ste. Marie de Monnoir*, and his vicars, as shall all such persons as may replace them in the office of *curé* or vicar, shall during the whole period for the execution of the provisions following, be commissioners entrusted with the task of ascertaining all the baptisms, marriages and burials which have taken place in such parish from the first day of January, 1875, to the day of the disappearance of the registers, and of making entries in the new authenticated duplicates, in conformity with article 1286 of the code of civil procedure. The *curé* and vicars are commissioners.

And each of such persons may act alone for the purposes of this act.

**5.** One of such commissioners, in a public written notice, shall cause the object of this act to be known, and shall invite all persons interested, or who may be in a position to supply the loss of the original registers, to appear at the time and place specified in such notice, and to bring with them and produce any extract or certificate of baptisms, marriages or burials, made during the period mentioned in section four, and all family records or memoranda which they may possess of such baptisms, marriages or burials, or to give testimony under oath, in respect of all information which they themselves possess, or which may be obtained from them. Notice required.

Each commissioner is authorized to administer the oath required, to all persons who may be so interrogated. Oath.

**6.** On proof made under oath by one or more witnesses, or on any other evidence, establishing that a baptism, marriage or burial has taken place in such parish, during the period hereinabove mentioned, the commissioner shall make an entry thereof in two registers, and each duplicate inscription shall be signed by the commissioner and by the witnesses interrogated under the oath. If the latter cannot sign, mention thereof shall be made. Entry of acts established.  
Signature.

Mention shall also be made of any extract or other proof in writing produced by the witnesses. Mentions required.

**7.** The commissioners, after having completed their registers, shall mark each of them, as follows: "New duplicate of the registers of baptisms, marriages and burials of the parish of *Ste. Marie de Monnoir*, for 1875, made in conformity with the act 39 Vict., chap. 27." Designation of the book.

Deposit of duplicates.

8. One of such duplicates shall be lodged in the office of the prothonotary of the district, and the other shall remain among the archives of the parish of *Ste. Marie de Monnoir*.

Authenticity of registers.

9. Each of the duplicates or registers specified in sections 3 and 7 of this act, shall be authentic, and shall have for all purposes whatsoever, the same force and effect, as if it had been made at the time, and in the form required by law.

Other proof allowed.

10. Nothing in this act contained shall prevent the proof, in any manner permitted by law, of any baptism, marriage or burial, which occurred during the period hereinabove mentioned, and which could not be proved and entered under the authority of this act.

Act in force.

11. This act shall come into force on the day of the sanction thereof.

## CAP. XXVIII.

An Act to remove doubts respecting the authenticity of certain registers of acts of civil status, in the county of Rimouski.

[Assented to 24th December, 1875.]

Preamble.

WHEREAS, in authenticating certain registers destined for acts of civil status, in the office of the circuit court sitting at Matane, in the county of Rimouski, the seal of such court was not affixed thereto, and whereas doubts have arisen in respect thereof, and it is expedient to remove such doubts; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Prothonotary bound to affix the seal.

1. The prothonotary of the superior court, in and for the district of Rimouski, upon presentation of any register of civil status, which appears to have been authenticated in the office of the clerk of the circuit court sitting at Matane, by the clerk or deputy clerk, without however having been sealed with the seal of the court, shall be bound to affix the seal of the superior court on each such register, in the manner prescribed by the article 1236 of the code of civil procedure.

Duty of the custodians of the registers.

2. Every custodian of any register in the condition specified in the preceding section, shall be bound to present such register to the prothonotary, and to require the affixing of the seal thereon, in the manner herein-

above set forth, within six months after the coming into force of this act.

3. The prothonotary shall annex to each register upon which he shall have so affixed the seal of the superior court, a certificate setting forth that in affixing the seal thereon, he has acted in conformity with this act. Special certificate.

4. Each such register so sealed with the seal of the superior court, shall be in all respects as authentic as if the seal had been affixed thereto at the time required by law. Authenticity of the registers.

## CAP. XXIX.

An Act further to amend the Municipal Code.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 52 of the municipal code of the province of Quebec, is amended by substituting in the second line, the word "proprietors," for the word "electors." Art. 52, amended.

2. The following article shall be inserted after article 350 : Art. 350a added.

"350a. The delay to take proceedings in the manner specified in articles 350, 708, 925, 926, 927, 1064 and 1067 shall be thirty days, in lieu of the various delays accorded by the said articles, which are to such extent repealed. The delay to return the writ of appeal, in the terms of article 1070, shall be forty days."

3. Article 365 is amended by striking out in the second line thereof the words "of each year," and substituting therefor the words, "every second year." Art. 365, amended.

4. Article 366 of the said code is repealed, and the following substituted therefor : Art. 366, amended.

"366. The valutors shall enter upon their duties, so soon as they have made oath well and faithfully to discharge all the duties of their office. Road inspectors, rural inspectors and pound-keepers shall enter upon the discharge of their duties immediately after service of the notice of their appointment."

5. The following article is inserted after article 380 of the municipal code of the province of Quebec : Art. 380a added.

"380a. Whenever a road inspector is personally interested in any work or other matter within his jurisdiction,

and neglects or refuses to execute or supply that which he is bound to execute or supply, as interested in such work or matter, the secretary-treasurer of the local municipality wherein such inspector has jurisdiction, possesses in relation to such inspector the same rights, powers and obligations as the inspector himself, in relation to all persons interested in the same work or matter.

In respect of works to be performed in common, the inspector so interested is always *in mora*, to fulfil the obligations attaching to such works."

Art. 407,  
amended.

6. Article 407 of the same code is amended by adding to the first paragraph thereof, the number "380a," after the number 380.

Art. 484a,  
added.

7. After article 484 the following article is inserted :  
"484a. To establish and manage alms-houses or other establishments of refuge for the support of the necessitous; and to aid charitable institutions established in the municipality."

Art. 495,  
amended.

8. Article 495 of the said code is amended, by adding thereto the following words: "the apportionment of the moneys to be levied for the payment of the interest and the sinking fund annually shall be based on the roll in force at the time of such apportionment, without prejudice to the rights of debenture holders."

Art. 635,  
amended.

9. Article 635 of the same code is amended by adding after the words "brought into," the words "or produced in."

Art. 789,  
amended.

10. Article 789 of the same code is amended, by inserting after the words "any special," in the first paragraph thereof, the words "or public."

Art. 810,  
amended.

11. Article 810 of the same code is amended by striking out the following words, at the end of the said article:

"Nevertheless any *procès-verbal* homologated by a board of delegates, can only be amended or repealed on petition by the majority of the rate-payers interested, who are mentioned in the *procès-verbal*."

Art. 836,  
amended.

12. Article 836 of the said code is amended by striking out the word "must," and by inserting after the words "front road," the following: "and all the persons interested in by-roads must," and by adding at the end of the said article the following words:

"Nevertheless the owners or occupants of land, who maintain the fences along any front road, not being that on which they are obliged to work, shall pay to the per-

son bound to maintain such road, the excess of work occasioned by the fact that as such fences cannot be taken down, the person liable for the work on such road has additional labor."

**13.** Article 840 is amended, by adding at the end of the first paragraph "with the consent of the proprietors," and by striking out the second paragraph. Art. 840, amended.

**14.** Article 873 of such code is amended, by adding to the second paragraph, the words following: "If such special officer is selected from among the persons interested in the work to be performed on such water-course, he shall not be entitled to any fee for his services or loss of time, from the parties interested, but he may be paid by the council who appointed him." Art. 873, amended.

**15.** Article 884 is amended, by adding thereto, the following words: "or within the delays fixed by the council." Art. 884, amended.

**16.** The following article is added, after article 1001 of the same code: Art 1001a, added.

"1001a. The secretary-treasurer shall be entitled to ten cents for each hundred words or figures, for all notices, lists and other documents in relation to the sale of lands indebted for taxes, and further to the repayment of any sum advanced by him to defray the cost of publication, in the *Quebec Official Gazette*, and in other journals, and to one dollar and fifty cents for each certificate of adjudication, or for every deed of sale, and moreover the costs of the registration thereof, until such time as such fees are otherwise established by a resolution of the county council."

**17.** Article 1004 of the said code is amended, by adding at the end of the second paragraph, the words following: "and to constituted ground rents." Art. 1004, amended.

**18.** Article 1009 is amended, by substituting for the words "by the warden and by the secretary-treasurer," the words "by the secretary-treasurer." Art. 1009, amended.

**19.** Article 1013 of the said code is amended, by adding in the sixth line after the words "except claims," the following: "to constituted ground rents." Art. 1013, amended.

**20.** The following article shall be inserted after article 1030 of the same code: Art 1030a, added.

"1030a. If the judgment has been rendered on debentures or coupons issued in virtue of a by-law made by a county council, in conformity with article 974 of this code,

or of any special act to the same effect as such article, the apportionment to be made by the sheriff shall be in accordance with the terms of such by-law, and in the same proportion as the apportionment made by the county council under article 974; and in such case mention shall be made both in the judgment and the writ of execution that the county corporation has been condemned in virtue of such by-law."

Art. 1049,  
amended.

**21.** Article 1049 is amended by adding in the third line after the words "of the judgment," the words following: "the property of the person so condemned, shall be seized and sold, up to the amount of the penalty and costs, and in default of property sufficient;" and by substituting the word "shall," for the word "may."

Art. 1050,  
amended.

**22.** Article 1050 of the said code is amended by adding in the third line, after the words "under penalty," the following: "of seizure or."

Art. 1061,  
amended.

**23.** Article 1061 of the same code is amended by adding thereto the following paragraph:

"3. From every decision given by any municipal council, under articles 734, 738 and 746a, in relation to any valuation roll."

Art. 1064,  
amended.

**24.** Article 1064 of the same code is amended by inserting in paragraph 1, after the words "or to their clerk," the words following: "or at the office of the municipal council, if any municipal council is in question."

36 V., c. 21, s.  
29, repealed.

**25.** Section 29 of chapter 21 of 36 Victoria is hereby repealed.

Act in force.

**26.** This act shall come into force on the day of the sanction thereof.

C A P . X X X .

An Act to amend "the Quebec Police Act," (33 Vict., chap. 24.)

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

33 V., c. 24, s.  
32, amended.

**1.** Section 32 of the act of this province, 33 Vict., chap. 24, is amended by substituting the following for the first sentence thereof:

"Each city, town or municipality, in which any detachment of the police force shall be stationed, shall pay annually to the treasurer of the province, for each police officer or man so stationed therein, the sum which shall be agreed upon between the lieutenant-governor in council, and the council of such city, town or municipality."

2. Notwithstanding anything to the contrary contained in "The Quebec Police Act," it shall at all times be lawful for the lieutenant-governor in council to withdraw from any city, town or municipality, any police force stationed therein, if he deem the same advisable; and as soon as such withdrawal shall have been decided on any act or part of an act authorizing or requiring such city, town or municipality to maintain therein a police force at its own expense, or in any manner having respect to such police force, shall come again into force, as if "the Quebec Police Act" had never been passed, and this even in the case of such act or part of an act having been repealed.

The lieutenant-governor may withdraw any police force.  
Effect.

3. It is further enacted that the lieutenant-governor in council may increase the amount to be charged to the city of Quebec, for the support of the provincial police, and the said city shall be bound and obliged to pay such increase, any provision to the contrary notwithstanding.

Sum to be paid by Quebec.

4. This act shall come into force on the day of the sanction thereof.

Act in force.

## C A P . X X X I .

An Act to define the jurisdiction of the magistrate's court and that of district magistrates, in civil matters.

[Assented to 24th December, 1875.]

**W**HEREAS certain doubts have arisen as to the extent and jurisdiction in civil matters of magistrate's courts and of the district magistrates holding the same, in this province; Therefore, to remove the said doubts, Her Majesty, by and with the advice and consent of the Legislature of Quebec, declares and enacts as follows:

Preamble.

1. The jurisdiction of the magistrate's court and of the district magistrates holding the same is declared not to have been extended or in any manner altered or affected by the 7th section of the act of this province, 37 Vict., cap. 8; and notwithstanding anything in the said act

Jurisdiction defined.



Caps. 32, 33. *Fire Com. for Quebec.*—*Notarial P.* 39 VICT.

contained, the jurisdiction of the said courts and of the said magistrates was and is regulated by the act of this province 35 Vict., cap. 9, and the acts antecedent thereto.

Pending  
cases.

**2.** This act shall not in any manner affect pending suits or judgments heretofore rendered.

Act in force.

**3.** This act shall come into force on the day of its sanction.

## C A P. XXXII.

An Act to extend the jurisdiction of the fire commissioner for the city of Quebec.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Jurisdiction  
extended to  
the *banlieue*  
and Levis.

**1.** The jurisdiction of the fire commissioner for the city of Quebec, as defined by the acts of this province, 31 Vict., chap. 32, and 32 Vict., chap. 29, is extended to the *banlieue* of the city of Quebec and to the town of Levis, wherein such commissioner may exercise his powers, in the same manner and to the same effect as in the city of Quebec.

Salary.

**2.** The annual salary of such commissioner is raised to the sum of fourteen hundred dollars, payable in the same manner and by the same parties as the salary received by him before the passing of this act.

Act in force.

**3.** This act shall come into force on the day of the sanction thereof.

## C A P. XXXIII.

An Act to amend and consolidate the various acts respecting the notarial profession, in this province.

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[Assented to 24th December, 1875.]

Preamble.

WHEREAS there are a great many laws and statutes relating to the notarial profession, and much inconvenience results from such multiplicity of enactments of different sources; and whereas, for these reasons, it is advisable to amend and consolidate the laws respecting such profession; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## TITLE FIRST.

## APPLICATION OF THE ACT,—INTERPRETATIVE AND DECLARATORY PROVISIONS.

Application of the act.

1. This act applies to the province of Quebec.

Interpretation of the texts.

2. When there is any difference between the French and English texts of this act, the French text shall prevail.

Former admissions confirmed.

3. All admissions to the study or practice of the notarial profession, heretofore made by the various boards of notaries, or by the provincial board of notaries in this province, if they have not been cancelled, are confirmed, notwithstanding any irregularities which may have occurred in the proceedings of the said boards. All certificates of admission or of admissibility granted by any of the said boards, and all commissions granted by the governors, lieutenant-governors, or administrators of this province, under the seal thereof, appointing a candidate a notary public, and permitting him to practise as such, in the said province, unless the same have been cancelled, are likewise confirmed; subject however to all sentences of suspension, disability or interdiction.

Old certificates and commissions confirmed.

Proviso.

## TITLE SECOND.

## ORGANIZATION OF THE NOTARIAL PROFESSION.

## CHAPTER FIRST.

OF NOTARIES, THEIR FUNCTIONS, RIGHTS, PRIVILEGES AND DUTIES.—  
TABLE OF PRACTISING NOTARIES.

Object of the notarial profession.

4. Notaries are public officers, appointed to execute deeds and contracts, to which the parties are bound, or

desire to give the character of authenticity attached to acts entered into under public authority; to assure the date thereof, to have and preserve the same in safe keeping, and to deliver copies, or authentic extracts therefrom.

**5.** Notaries are appointed for life, with jurisdiction throughout the province of Quebec, in every part of which they have the exclusive and concurrent privilege and right of practising; they may abandon the practice of their profession, and resume the same whenever they so please. Time and place of practice of notaries.

**6.** They are bound to give their services on immediate payment of their fees and disbursements, except upon grounds which justify their refusal. Bound to act.

**7.** They are under the protection of the law, and are protected in the execution of their professional duties; any person assauling a notary, in the execution of his duty, or opposing him therein, is guilty of a misdemeanor, and may, on conviction be condemned to the same punishment, as if he had been convicted of an assault on a peace or revenue officer, in the execution of his duty. Protection.

**8.** Notaries are not bound to accept any municipal office under a municipal council, nor any office relating to a municipal or school corporation. Exemption.

**9.** The profession of a notary is inconsistent with that of a surveyor, physician or advocate; and the exercise of the functions of a notary is inconsistent with the simultaneous exercise of those of a prothonotary, or deputy prothonotary in Her Majesty's superior courts of this province, of a sheriff, or deputy sheriff, or of a registrar, or deputy registrar, saving the reservation hereinafter made. Incompatibility with certain professions and duties.

**10.** Every notary, appointed prothonotary deputy prothonotary, sheriff, deputy sheriff, registrar or deputy registrar of any county or registration division, since the first day of January eighteen hundred and seventy four, has been bound to select between such occupation, and the practice of his profession of notary, and to transmit his declaration to that effect to the board of notaries, and to the office of the superior court for the district where he last practised as such notary. Selection to make. Declaration required.

But whenever he shall have elected to continue in the discharge of such office of prothonotary, deputy prothonotary, sheriff, deputy sheriff, registrar, or deputy registrar, he may retain his minutes, repertory and index in his possession, and deliver copies or authentic extracts from deeds passed before him, and up to such time deposited in his minutes. Privileges retained.

Re-entering  
into practice.

**11.** He may also re-enter upon the practice of his profession as a notary, so soon as he shall have ceased to fill the office of prothonotary, deputy prothonotary, sheriff, deputy sheriff, registrar, or deputy registrar, upon transmitting a counter declaration to that effect.

Idem.

**12.** The same rule applies whenever any notary has abandoned the practice of his profession, to follow any other employment, hereinabove declared inconsistent with the exercise of the profession of a notary.

Penalty for  
plurality of  
offices.

**13.** Any notary, who continues to practice as a notary, or has any share or pecuniary interest whatever in the practice of another notary, and at the same time holds any of the offices specified in sections 9 and 10 of this act, is liable to a penalty not exceeding two hundred dollars, recoverable in the manner provided by section 181 of the present act; and the deeds or contracts, which he shall have so passed as notary, as also those passed before any notary considered as not practising within the meaning of this act, do not possess any authentic character.

Deeds of no-  
taries not  
practising.

Removal  
from office.

**14.** It is lawful for the authority to that end constituted by this act, to remove from his office any notary lawfully convicted, under such authority:

1. Of having illegally joined with the exercise of his profession, that of those public offices, the simultaneous exercise of which is herein declared inconsistent therewith;

2. Or of having joined with his profession, any of the professions declared inconsistent with that of a notary.

Keeping  
office in cer-  
tain places  
not allowed.

**15.** No notary can habitually practise his profession, that is to say, keep his office, in the offices of prothonotaries, sheriffs, or registrars, under the penalties and consequences mentioned in the two preceding sections.

Firm of no-  
taries; their  
signature.

**16.** Two or more notaries practising their profession together, cannot sign deeds or contracts passed before them, in the name of their firm. They may, however, use the signature of their firm in advertisements, notices, petitions and other documents not being notarial deeds.

Practice on  
Sundays, &c.

**17.** Notaries may lawfully, if they so wish, draw deeds, make and date acts of voluntary jurisdiction on Sundays, *fêtes d'obligation* and legal holidays; they may not do so in acts of contentious jurisdiction.

If parties are  
unknown.

**18.** The names, calling, residence and identity of the parties, if none of them are known to the notaries, must

be certified to by a witness known to them and possessing the qualities required in an attesting witness to any instrument.

**19.** A notary cannot execute a deed or contract to which he is a contracting party. Notary is not a party to his deed.

**20.** Every notary is bound to keep exposed in his office, a roll in which shall be entered the names, additions and places of residence, of all persons, who, within the limits of the district in which he resides, are either interdicted or merely assisted by a judicial adviser, and also the names of curators or judicial advisers given to such persons, together with mention and date of the judgments relating thereto; and this, immediately upon the notification which the clerk or prothonotary of the district, in which the notary keeps his office, is obliged to give him without delay, and gratuitously. Roll of incapable persons, exposed in the office.

**21.** Notaries are entitled to emoluments or fees for the deeds which they execute, and the professional services they render, over and above their costs and expenses; these fees are regulated by the tariffs made by the board of notaries, or, in default of such tariffs, by a valuation before the court, by one or more members of the profession. Fees and expenses for services.

The tariffs of the several boards of notaries heretofore established according to law, remain in force till the board of notaries has otherwise determined, by the substitution of other tariffs. Old tariffs.

And in the class of professional services susceptible of emoluments or fees, are included, amongst others, travelling expenses, vacations, written or verbal consultations, and examination of deeds and papers. Other fees included.

The oath of the notary is admitted as to the nature and duration of the services rendered. Oath.

**22.** Parties to acts executed before a notary are jointly and severally liable for his disbursements and fees. Liability of parties to fees.

**23.** The furnishing of copies, extracts, title-deeds or deeds of any nature whatsoever, is not to be considered a presumption of payment of the costs and fees of a notary. And no notary is bound to furnish copies or extracts of any deed, to third parties, or even to the parties themselves, if he is not paid the original cost of the minute, if at the time prescription has not been acquired. Previous payment required.

**24.** Notaries may prepare the non-contentious proceedings specified in the third part of the code of civil procedure, and submit the same to the judge or to the Proceedings which notaries may prepare.

prothonotary; and may especially sign, in the name of the applicants, without any special power, requests or petitions for the summoning of a family council, in relation to tutorships, curatorships, sale or alienation of the property of minors or interdicted persons, partition or licitation, homologation *en justice*, the affixing and the removal of seals, as also all other petitions, or proceedings in which the action of the judicial authority, or of any other public authority whatever, is to be asked for.

Code of procedure.

**25.** All communications, copies, or extracts of any deed or document, forming part of the *greffe* of a notary, and every deposit of certified copies of *adirés* or lost deeds, are regulated by the code of civil procedure respecting compulsories.

Disposal of deeds.

**26.** Notaries shall not allow any minutes, or papers annexed thereto, to go out of their possession, except in the cases provided for by law.

Notary not obliged to guarantee.

**27.** A notary, who passes a deed, is not obliged to inform the contracting parties of any fact within his knowledge, although such fact may be prejudicial to one of the parties. With the exception of his own acts, he is not the warrantor of anything recited in the deed passed before him: he is not even bound to declare the debts, the titles of which were previously passed before him.

Idem.

**28.** The omission by the acting notary to declare the hypothecs and charges in his own favor, on the immovable property alienated or hypothecated, is not detrimental to him, unless in the deed, the owner declares such immovable free and unencumbered.

Custody; care and alteration of deeds.

**29.** Notaries must in no case, suppress, destroy or alter any minute when once signed by them, nor deliver it to the parties or to any of them, under penalty of deprivation of office, in addition to the other penalties provided by law. If it be useful or necessary to make changes, the parties can do so by another deed, and not otherwise.

Who may be notaries.

**30.** The following persons and no others may be admitted as notaries public, in this province; all British subjects either by birth, or effect of law, resident in the province, being of good conduct and morals, lay persons, males, of full age, and ascertained to be of sufficient intelligence, the whole upon examination and certificates as hereinafter provided.

A candidate minor.

**31.** Upon his term of clerkship being completed, a candidate, of minor age, for the practice of the notarial



profession, may present himself to undergo his examination ; but his certificate of admission is not given to him, nor can he practise, until he attains his majority.

**32.** On admission to the profession, a notary before practising, must take, before one of the judges of the superior court, the oaths of office and allegiance. The taking of such oaths must be preceded by the production of the certificate of admission, registered in the office of the provincial registrar. He must cause the whole to be enregistered with the board of notaries, together with a deposit of his official signature, which he cannot change, without the authority of the board of notaries.

Oaths of office  
and alle-  
giance.

Enregistra-  
tion.

**33.** Every notary who practises as such before he has fulfilled such provisions, is liable for each offence, to the penalty hereinafter prescribed.

Penalty.

**34.** Moreover, before having the right of acting and practising as a notary, he is obliged to enregister, in the board of notaries, a declaration as to the locality where he intends to practise. Such declaration must contain his surname, christian names, and that of the parish or township, county and district, where he intends to reside. In default of so doing, he is liable to the same penalty.

Declaration  
required.

Penalty.

#### TABLE OF PRACTISING NOTARIES.

**35.** Any notary, who, at the time of the passing of this act, has not transmitted to one of the secretaries of the provincial board of notaries, a declaration signed by himself, containing his surname, christian names, residence and the date of his admission to the practice of the notarial profession, and the different localities (by parish, township, county and district), where he has practised since such admission (mentioning the time during which he has practised in each locality), must transmit the same to the board of notaries, within three months next after the passing of this act, if he has not done so, under the act of 1870, concerning the profession of notary.

Declaration.

**36.** Any notary, who, having transmitted such declaration, has, since such transmission, and at the time of the passing of this act, changed his domicile, and removed to another township or parish, must, within the three months next after the passing of this act, transmit to one of the secretaries of the board of notaries, another declaration mentioning such change, and also the county and district, in the same manner as the declaration required by the preceding section.

Change of  
domicile.

Declaration.

**37.** Any notary who changes the domicile mentioned, in his last declaration, for another, in another parish or

New declara-  
tion.



township, is bound to transmit to one of the said secretaries, within fifteen days from such change, a new declaration containing, in addition to the foregoing, the name of the parish, township, county and district, where he intends to reside and practise.

Penalty.

**38.** Refusal or neglect in transmitting the declarations above mentioned, renders the notary in default amenable to disciplinary penalties.

Delivery of lists by the secretaries.

**39.** The secretaries, on or before the first of March in each year, are bound to transmit to the treasurer a list, certified by them, of all declarations received by them during the year.

Contents of the first list.

**40.** The first list, thus transmitted to the treasurer, must contain concisely the surnames, christian names and domiciles of the notaries, which the said secretaries find mentioned in the declarations received by them up to the date of such transmission to the secretaries, together with the declarations of election of domicile, made by recently admitted notaries, immediately upon their admission by the board of notaries.

General roll of notaries practising and not practising.

**41.** The two secretaries shall jointly prepare for the first of May, in each year, a general table of notaries practising in the province of Quebec, in alphabetical order, by districts and by names, mentioning the date of the commission, the parish or township, county and district where the notaries are practising at the time of the publication of such table. This table must also contain in a special category, and with the same details of residence, the surnames and christian names of non-practising notaries.

Payment required.

**42.** The table specifies merely the names of such notaries as are not indebted in any arrears of contribution to the said board.

Statement and Treasurer's list.

**43.** On the first of April of each year, the treasurer of the board transmits to the two secretaries a statement of the receipts and expenditure of the board, and a list certified by him, of the notaries who have paid, at that time, the arrears then due of their contribution up till the last day of the month of February preceding. The table is drawn up according to such list.

Date and distribution of the roll.

**44.** The table must be prepared and printed by the end of April of each year, and transmitted by the secretaries, post-paid, to each of the notaries entered therein, as also to prothonotaries, clerks and registrars, who are bound to expose it in a conspicuous place in their office,

Exposition.

to be consulted when required, under pain of disciplinary penalties against notaries, and of a penalty not exceeding Penalty. twenty-five dollars against prothonotaries, clerks and registrars.

**45.** The first table shall be prepared and printed by First table. the end of April, eighteen hundred and seventy-six.

**46.** Any practising notary, whose name is not inscribed Penalty for practicing without being inscribed. on the above mentioned table, through non-transmission of his declaration of election or change of domicile, or through non-payment of his arrears of contribution to the common fund of the board of notaries, is liable to disciplinary penalties and fines.

**47.** Any notary, whose name, through his own neglect, Inscription of notaries in arrears. is not inscribed on the general table of notaries, must, to have it so inscribed, transmit to the treasurer of the board, in addition to the arrears of contribution by him due to the fund of the board, a sum of eight dollars to cover the expenses necessary to forward to notaries, prothonotaries, clerks and registrars, a certificate to avail in lieu of inscription on the table.

**48.** So soon as the notary newly admitted to the practice of the notarial profession has enregistered his declaration of election of professional domicile, prescribed by the thirty fourth section of this act, the secretary who has received such declaration, must transmit to notaries, prothonotaries, clerks and registrars, the surname, christian name, and elected domicile of the recently admitted notary. On reception of such notice, the notaries, prothonotaries, clerks and registrars, enter the name of the new notary upon the table exhibited in their office. Inscription of the new notaries.

**49.** The board is authorized to draw up rules, from time to time, in relation to the preparation, publication, distribution and modification of the general table of notaries, and even to alter the periods of its annual preparation and publication. Rules relating to table of notaries.

## CHAPTER SECOND.

OF NOTARIAL DEEDS, OF THEIR FORMS OR FORMALITIES, AND THEIR EFFECT—OF MINUTES, BREVETS, COPIES AND EXTRACTS—OF REPERTORIES AND INDICES—OF THE PRESERVATION, DEPOSIT OR TRANSFER THEREOF.

### SECTION FIRST.

Of deeds *en minutes*.

**50.** Notarial deeds are such as are executed before one or more notaries public; they are considered authentic, Notarial deeds.

and of themselves make proof of their contents in law. They are drawn up *en minutes*, or *en brevets*. A deed *en minute* is that which a notary executes and retains in his office, to deliver copies or extracts thereof, and thus differs from a deed *en brevet*, of which he delivers the original to the parties, whether in single, duplicate or multiple. The formalities required in notarial deeds are prescribed in the civil code and in the code of civil procedure.

Who writes them.

**51.** Notaries are not bound to write themselves the deeds which they receive; they may employ another person, or use printed or written blanks.

Minutes made separately.

**52.** Notaries must receive and inscribe the minutes of their deeds separately in such manner as to facilitate their production when legally required.

Specifications required.

**53.** Every notarial deed must specify the name, official quality and place of residence, and contain the signature of the notary who executes it, the names, qualities and domiciles of the parties, with a description of the procurations, or powers and authorizations produced, the number of the minute, the place where the deed is passed, the fact of the reading of the deed, the signature of the parties, or their declaration that they do not know how or are unable to sign, and the cause, after being asked to sign; the presence, the name, official quality, residence and signature of the assistant notary, or the presence, the names, quality and residences, of the requisite witnesses, and the date of the deed. It must mention the number, and approval of the marginal notes and foot-notes, the acknowledged number and nullity of words erased or struck out, the number and approval of lengthened lines. The deed is concluded by the signatures of the parties, of the assistant notary or the witnesses, and by that of the acting notary. Whenever a deed to which several persons are parties, has been signed or executed by each of them on different days and at different places, it shall be lawful for the notary to specify such plurality of dates and places, by mentioning, that as regards such a party the deed was signed or executed, on such a day and at such a place, and that as regards such other party, it was also signed or executed on such a day and at such a place. And the deed shall not be closed and signed by the notary, save on the day of the last signature thereto.

Marginal notes, &c.

Closing of the deed.

Exemption of a witness or a second notary.

Notwithstanding the provisions of the second paragraph of article 1208 of the civil code, the presence and signature of a second notary or of a witness, when the parties to a deed are unable to sign, shall not be requisite to complete and make authentic a deed passed before any notary, save in the case of wills.

**54.** Commercial firms, which have filed their declarations, where the law requires, are sufficiently designated by the name of the firm, and may act in any notarial deed under such name of the firm, mentioning in the deed the place where they carry on business, and the names, additions and residence of such of the partners as represent them.

Designation  
of com-  
mercial firms.

**55.** Notarial deeds must be written without abbreviations, blanks or spaces; they may, however, be prepared on printed or written blanks, on filling up the blank spaces by a heavy stroke of the pen. Sums, dates and numbers, which are other than simple indications or references not absolutely essential, must be written in full.

No spaces,  
abbreviations,  
&c.

Blanks.

Dates, &c.

**56.** Procurations or other documents, of which there are minutes, and in virtue of which the principal deed is executed, if sufficiently described, need not be annexed. Procurations and other documents *en brevets* or *sous seing privé* must be when produced also sufficiently described, and then annexed to the minute. The latter only must be admitted as true, and be signed by the parties in the presence of the notaries and the subscribing witnesses.

Procurations,  
etc.

**57.** Notes, additions and lengthened lines, with the exception hereinafter mentioned, must be written in the margin only; they are signed by the *paraphes* or initials of the subscribers to the deed, under pain of the nullity of such notes and lengthened lines; and if the length of the note or the narrowness of the margin, require it to be placed at or carried to the end of the deed, it must be also signed by the *paraphes* or initials of the subscribers in the same manner as marginal notes, under pain of the nullity of such part of the note so placed or carried over; the same rule applies to foot notes and other notes, which the margin cannot contain, and which are written at the end of the deed.

Notes, addi-  
tions, &c.

**58.** There must not be in the body of the deed, or in the marginal or foot notes, any words written over, interlineations or additions; and the words written over, interlined, or added, are null. Erasures are made in such manner, that the words erased or struck out may be counted.

Words writ-  
ten over.

Interlinea-  
tions, &c.

Erasures.

**59.** The reading of a will or codicil is performed by the acting notary; as respects ordinary deeds, it is indifferent whether they are read by the notary, or by any other person.

Reading.

**60.** The locality where the deed is passed is sufficiently indicated by specifying the city, town, parish or other place.

Locality in-  
dicated.

Number. **61.** The minutes of deeds are numbered consecutively.

Minutes kept. **62.** Notaries are bound to keep the minutes of all acts which they receive, except those hereinafter mentioned, which they may execute and deliver *en brevets*, if the parties so require.

## SECTION SECOND.

### OF DEEDS *en brevet*.

Deeds which  
may be exe-  
cuted *en bre-*  
*vets*.

**63.** There may be executed and delivered, on demand of the parties, *en brevets*, singly, in duplicate, or in multiple, life certificates, partial releases, procurations, powers of attorney, acts of notoriety, discharges of rent or farm rent, of salaries, of arrears of rents or pension, obligations or agreements purely personal, unless their effect is to be perpetual and pass from the contracting parties to their heirs or representatives, declarations, notices of family councils, appointments and reports of experts, attestations, disavowals, releases, discharges in respect of papers and moveables, and other documents the effect whereof must not be perpetual, or which do not confirm or discharge the effect of a deed executed *en minute*.

## SECTION THIRD.

### OF COPIES AND EXTRACTS.

Copies.

**64.** Copies are the faithful reproduction of the minute, or annex made according to the provisions prescribed by the civil code; extracts are also made in accordance with the provisions of the same code.

Extracts.

The right of furnishing such copy or extract vests only in the notary or prothonotary who is the custodian of the original.

## SECTION FOURTH.

### REPERTORIES AND INDICES.

Repertory.

**65.** Every notary is obliged, under disciplinary penalties and fine, to have and to keep in good order and proper state of preservation, a repertory of all deeds passed by him *en minutes*, in which he enters consecutively, their dates and numbers, their nature or kind, and the names of the parties.

Index.

**66.** With the same care, and under the same penalties, he must make and preserve an index to the repertory.

Special repertory.

**67.** Every notary may keep a special repertory, with or without an index, as he chooses, for notes, protests of

bills of exchange and bills and other papers of the same nature.

## SECTION FIFTH.

### PRESERVATION OF MINUTES, REPERTORIES AND INDICES ; THEIR DEPOSIT.

**68.** Except in cases of lawful transfer of notarial *greffes*, as hereinafter provided, and the transfer under section ten, the minutes, repertories and index of every practising notary who leaves the province, or who becomes unable to act as such, on account of performing functions inconsistent with practice, which places him on the list of non-practising notaries, or of any notary interdicted or removed from office, or who dies, or voluntarily ceases practising, the whole under the restrictions set forth in this act, are deposited by him, or by the party to whose care he has left them, or by his curator, his widow, his children, his heirs or legatees, as the case may be, in the office of the prothonotary of the superior court for the district in which such notary last practised and resided.

Deposit of the minutes, index, &c., in the office of prothonotary.

**69.** Upon the refusal or neglect of any person obliged thereto, to make such deposit, the prothonotary is bound, within thirty days from the notice which is given to him by the syndic of the board of notaries, to proceed, in a summary manner, to recover and obtain possession of such minutes, repertories and index, by an action in revendication, before a judge of the superior court of the said district, either in term or vacation ; and he is also bound to report the proceedings to the president of the board of notaries. In default of the prothonotary fulfilling this duty, he is personally liable to a penalty of fifty dollars for each month of delay, counting from the day of the service of notice of the syndic.

The prothonotary must recover them on refusal

Penalty.

**70.** Saving the case of the legal transfer of notarial *greffes*, every person obliged to make the deposit, who refuses or neglects to make the same, is liable to a penalty of from fifty dollars to one hundred dollars for each month of delay, counting from the day on which he has been called upon to make such deposit ; the notary himself is further subject to the disciplinary penalties hereinafter mentioned ; the whole without prejudice to any action of damages on the part of the party injured.

Penalty.

Damages.

**71.** The widow of a notary, whether she be in community with her husband, or separated as to property, or has accepted or repudiated the community,---or the legal representatives of the deceased notary, during the ten years next after his decease, if his

Rights of the widow, &c., to half the fees received by the prothonotary.

widow dies before the expiration of the said ten years, and whether such representatives accept or repudiate the succession of such notary, or the representatives, or assigns of any absent notary,—or the notary himself who does not wish to practise, or refuses to do so, or who is interdicted or suspended,—shall receive, every six months, counting from the day of the deposit of his minutes, repertories and index, from the prothonotary of the superior court in the district, where such deposit has been made, half the fees and emoluments which the prothonotary shall have received for searches, copies or extracts of or from any deed out of the *greffe* of such notary, whereof he is the custodian.

Fees which the prothonotary is entitled to receive for copy of deeds deposited.

Searches.

**72.** The prothonotary of the superior court of any district is entitled to receive for every copy or extract of any notarial or annexed deed, whereof he is custodian, and by him delivered, fifty cents for the first four hundred words or under, ten cents for every additional hundred words, and fifty cents for the certificate of authenticity; and a further sum of twenty cents, for each year searched in the repertory and index collectively.

Minutes, &c., deposited, form part of the records of the office.

*Greffe* deposited can be retaken.

**73.** The minutes, repertories and indices of notaries transferred to the prothonotary of the superior court, form part of the records of his office.

**74.** Whenever any notary, interdicted or absent, is anew admitted to practice, he shall be entitled again to obtain possession of his minutes, repertory and index deposited, as shall also any notary who has voluntarily ceased to practise, and has transmitted his *greffe* as aforesaid, if he desire again to practise within the limits of the district wherein his *greffe* has been deposited.

*Greffes* and safes not liable to seizure.

**75.** Notarial *greffes* and the safes in which the deeds are placed are not liable to seizure, except in the cases provided for in this act.

## SECTION SIXTH.

### TRANSFER AND ASSIGNMENT OF NOTARIAL *greffes*.

Transfer of the *greffes*.

**76.** The minutes, repertory and index of any notary deceased since the twenty-fourth of February, eighteen hundred and sixty-eight, or who dies after the passing of this act, or of any notary who has resigned and abandoned practice, may, under the conditions and formalities hereinafter set forth, be assigned and transferred to another notary, who either resides or will fix his residence, in the district of the professional domicile of the notary deceased or giving up practice.

**77.** It shall be lawful for the lieutenant-governor in council, upon application which shall be to him made, to permit or refuse, as he shall deem expedient, and according to the conditions hereinafter set forth, that the minutes and repertories of any notary, deceased since the twenty-fourth day of February, eighteen hundred and sixty-eight, or who shall die after the passing of this act, or of any notary resigning or who is desirous of ceasing to exercise his functions, or who shall have left his judicial district, be, with the consent of such notary, or of his heirs or representatives, transmitted to any other notary who resides, or who shall fix his residence in the district of the professional domicile of the notary deceased or resigning.

Power of the lieutenant-governor in council.

**78.** Such other notary and every successor thereof, who shall have in the same manner obtained such minutes and repertories, may deliver signed and certified copies thereof, and such copies shall be authentic for all purposes whatsoever; provided that in certifying the same he shall have made mention of the date of the order in council, under which the minutes were placed in his possession.

Copies delivered by the notary assignee.

**79.** Before granting such permission, the provincial secretary shall publish a notice of such application, for one month in the *Quebec Official Gazette*, and the permission granted under section 77 shall not take force and effect, until after the publication thereof in the said *Quebec Official Gazette*.

Notice required.

**80.** Application for such permission shall be made in the form of a petition, and the lieutenant-governor in council shall not grant the same unless the notary assignee has complied with the following conditions :

Petition.

1. To produce a certificate of the board of notaries, signed by the president of the said board, establishing that he is not undergoing any censure or punishment on the part of the said board of notaries;

Certificates.

2. To accompany the said petition by a report signed by the notary assignee, specifying the number and condition of the said minutes, together with the minutes missing, and the provincial secretary shall inform the prothonotary of the district of such transmission ;

Report.

3. To provide a vault or safe sufficient as a protection against fire or damp, therein to deposit the said minutes, repertory and index ; and so often as he shall be required he must permit such inspection of the vault or safe, as the board of notaries may from time to time require by an order under the signature of the president or vice-president of the said board, countersigned by one of the secretaries. The first inspection is always made at the cost

Vault or safe.

Inspection



of the applicant who shall pay them immediately and before he is entitled to obtain possession of the notarial *greffe* ceded and transferred to him.

### CHAPTER THIRD.

#### GOVERNMENT OF THE NOTARIAL PROFESSION.

##### SECTION FIRST.

##### BOARD OF NOTARIES.

Board of notaries.

**81.** There exists in the province of Quebec a board of notaries, designated as "The board of notaries." It is a corporation, and as such, enjoys all the privileges conferred by law upon such bodies; it may acquire, possess and enjoy real and personal estate, provided the same do not exceed in value the sum of fifty thousand dollars.

Powers.

Services.

**82.** Any service on the said board made at the office of one of the secretaries is a good and valid service.

Formation of the board.

**83.** The board of notaries is constituted or composed of forty-three members, elected in the manner hereinafter prescribed, and distributed as follows: nine for the district of Montreal, eight for that of Quebec, four for that of Three-Rivers, three for that of St. Hyacinthe, two for each of the districts of Richelieu, Iberville, Joliette and Kamouraska, one for each of those of Ottawa, Terrebonne, Montmagny, Beauce, Arthabaska, St. Francis, Bedford, Beauharnois, Rimouski and Gaspé, and one for the united districts of Chicoutimi and Saguenay.

Quorum.

**84.** Twelve form a *quorum* for the despatch of business, and eight for the examination of candidates for the study of, or admission to, the notarial profession.

Election of the members of the board.

**85.** The members of the board are elected by the practising notaries residing in the above named districts respectively, at general meetings in each of the said districts, in the district of Chicoutimi as regards the united districts of Chicoutimi and Saguenay, and at New-Carlisle in the county of Bonaventure, as regards the district of Gaspé, at the times and places hereinafter prescribed; the election is held at the court house, at one o'clock in the afternoon, on the first Wednesday of the month of June, by the majority of votes of the notaries present, and by ballot; and the prothonotary of every district shall be bound, subject to a penalty of twenty dollars, to point out a fit and proper room for every such meeting.

Time, place, mode.

**86.** Such general meetings are held every three years, Every three years. to which period the functions of the members of the said board are limited ; nevertheless, the same members may be re-elected, with their own consent ; the elected members remain in office until their successors are elected or Re-eligibility. appointed in their place.

**87.** Each such meeting is presided over by a notary, Meetings. chosen by the majority of the notaries present, entitled to vote at such meeting. The notary chosen to preside President. at the meeting, after drawing up and signing the minutes of the proceedings, files the same in the records Minutes. of the superior court for the district, and at once or within fifteen days, delivers a certified copy thereof to Copies to members elected. the president of the board of notaries, addressed to one of the secretaries, after giving notice of their election to each of the members elected ; under a penalty of twenty Penalty. dollars, against any one of the officers mentioned in this section for refusal or neglect, in respect of the duties imposed on him by this section.

**88.** The next general meeting of notaries for the election of members of the board, shall take place on the first Years in which meetings are to be held. Wednesday of the month of June, eighteen hundred and seventy-six, and the subsequent triennial meetings for the election of members of the board, shall be held at the same places, at the same time, and in the same manner as the first ; and if such day be a holiday, such meetings shall be held on the next following juridical day.

From this present time, till the first Wednesday in June, Former members, continued. eighteen hundred and seventy-six, the notaries of this province who now form the provincial board of notaries, shall be members of the board of notaries established by this act, and shall exercise and perform all powers and duties thereunder, as if they had been elected under its provisions, and shall continue in office till they be replaced under this act.

**89.** The existing officers of the provincial board of Existing officers. notaries also remain in office, as officers of the board of notaries hereby established, till their replacement by such latter board.

**90.** All the by-laws, and regulating resolutions of the By-laws, &c., in force. provincial board of notaries shall be also those of the board of notaries now constituted, till their revocation or modification by the latter.

**91.** The general meetings of the board of notaries are Meetings are held in Quebec and Montreal, alternately. held, alternately, at Quebec, on the third Wednesday in May, at ten o'clock in the forenoon, and at Montreal, on the first Wednesday in October, at ten o'clock in the

forenoon, in each year ; if such day be a holiday, the meeting is held on the next juridical day.

If in a district there has been no election of members.

**92.** If at the time of the first meeting of the board, immediately following a triennial election, or if at the time of any subsequent meeting, it appears that in any district or territory there has been no election of a member to represent such district or territory in the board, the board may, on information thereof, appoint a member, or the number of members required to represent such district or territory ; every member so appointed has the same powers, privileges and duties as those elected by notaries at a general meeting.

Extraordinary meetings of notaries.

**93.** Extraordinary general meetings of notaries may take place whenever circumstances require, and the board deems desirable.

Mode of summoning.

Places.

Other extraordinary general meetings of notaries may also be called by either of the secretaries of the board on a written request addressed to such secretary and signed by twenty-five notaries, qualified to vote at meetings for the election of members of the board. All such meetings, asked for in either manner, are summoned by advertisements inserted, in the French and English languages, in two newspapers published in each of the districts of Quebec and Montreal, at least fifteen days before such meeting ; they are held alternately at Quebec and Montreal.

Adjournment.

**94.** Every meeting of the board of notaries, and every general meeting of notaries, may be adjourned by consent of those present, to such place, day and hour, as shall be then decided upon.

Officers.

President ; his powers, &c.

Vice-president.

Two secretaries ; their duties, &c.

**95.** The board elects :

1. A president, who votes only when the votes are equally divided, who calls special meetings of the board when he deems it expedient, or on the justified requisition in writing of two members, or of the syndic hereinafter named, and who preserves order at all meetings ; also a vice-president to represent him, in case of sickness, absence or otherwise ; they may be replaced, in case of the absence of both, by a temporary president, appointed by the members present ;

2. Two secretaries, one of whom must reside in the city of Montreal, and the other in the city of Quebec ; they draw up and preserve the records of the proceedings of the board, have the custody of all archives, and deliver copies thereof ; they collect the facts relative to any charges brought against a notary, and report the same to the board. Each of them may appoint a deputy to represent him in case of illness, absence or detention,

with the approbation of the board, or in vacation with that of the president, or of the vice-president if the president is absent or unable to act; such deputy is so appointed by a certificate signed by the secretary in his own name, and which is recorded in the minutes of the board;

Assistant-secretary.

3. A treasurer, who has charge of the common fund hereinafter established, who receives and pays money upon the order of the board, and accounts for the same as the board directs;

Treasurer.

4. A syndic, who acts as prosecutor in the case of notaries accused before the board, or before the commission of accusations hereinafter established.

Syndic.

96. The out-going president shall also at the meeting held in the month of October following a general election of its members, submit a report of the principal facts and proceedings of the board, during his term of office, and a general statement of the affairs under the control of the board up to that date.

Report of the out-going president.

97. The *procès-verbal* of every meeting of the board is signed on the minute book of the proceedings by the president of the meeting, and countersigned by the secretary. Nevertheless the omission, for any reason whatsoever, of the signature of the president of the meeting, does not invalidate the authenticity of the *procès-verbal* when signed solely by the secretary.

Entry of the *procès-verbal* of the meetings.

98. When the board of notaries holds its meetings in either of the cities of Montreal or Quebec, the secretary residing in such locality, or his deputy, draws up minutes of the proceedings and keeps the register thereof; but each of the secretaries is bound, as soon as possible, to transmit to the other a certified copy of the proceedings, and it shall be the latter's duty to enter such copy in his register.

Which secretary is bound to act.

99. In addition to the special powers assigned to the officers aforesaid, each of them, if he is a member of the board, may vote as such with the other members, at all meetings thereof; except that with regard to any matter relating to any charge against a notary, the syndic, who conducts the prosecution, if he is a member of the board, forms one of the *quorum*, and takes part in the proceedings, but has not the right to vote on any decision taken by the board, on the matter of the accusation and the procedure consequent thereon.

Other powers of the officers.

100. In case of any of the officers aforesaid being absent, or prevented from acting, their places may be supplied by the appointment of others, *pro tempore*, by the majority of

Case of absence, &c.

the members present, at any meeting at which there is a *quorum*.

Who may be officers.

**101.** The president and vice-president, or *pro tempore* president, are always chosen from among the members of the board; the other officers may be chosen either from among the members of the board or from among other notaries practising within its jurisdiction.

Removal of the officers.

**102.** The board may remove any officer at pleasure, and appoint another in his stead; but no officer is so removed except by the vote of the absolute majority of the members of the board.

Time of the election of the officers.

**103.** The election of the president and other officers is made by the members of the board every three years; the same persons being capable of re-election, and the senior in age having the preference, in case of equality of votes.

Penalty for refusal.

**104.** Any notary refusing to accept the office of member of the board, or to perform the duties of president, vice-president, *pro tempore* president, secretary-treasurer, or syndic, is liable to the disciplinary penalties and fines hereinafter mentioned, unless he has already filled one of such offices, or has attained the age of sixty years.

Penalty for absence, &c.

**105.** Any notary elected or appointed a member or an officer of the board, who does not attend regularly at the meetings of the board, or who neglects to fulfil the duties of his office, after accepting the same, is liable to the disciplinary penalties and fines hereinafter provided, unless he has been prevented from attending through illness or other serious cause, and any member or officer of the board, who after having been elected, or re-elected with his own consent, refuses to act, is liable to the same penalties.

Vacancies.

**106.** If any vacancy occurs in the board of notaries, by the death of one of the members thereof, or by absence from the meetings for any time not less than one year, or by resignation, or otherwise, the board may fill such vacancy by the majority of votes of the members present forming a *quorum*. The same rule applies in relation to any officer who is not a member of the board.

## SECTION SECOND.

### POWERS OF THE BOARD OF NOTARIES; MODE OF PROCEDURE ON ACCUSATIONS.

Functions of the board.

**107.** The functions of the board of notaries are :

1. To maintain internal discipline among notaries within its jurisdiction, and finally to award censure, and enforce other disciplinary provisions; Discipline.

2. To prevent and reconcile all differences between notaries, and all complaints and claims by third persons against notaries, concerning their functions; to express an opinion respecting the damages which may thence arise, and to repress by censure or other means of discipline, even including suspension and removal, whatever offence may be the subject thereof, without prejudice to any right of action before a court of justice, if any such there be; Differences, complaints, &c.  
Repression.

3. To grant or refuse, after examination, all certificates of qualification and admission required by applicants for admission, either as students or notaries, and to take full cognizance thereof; Certificates.

4. To summon before it when necessary, any notary within its jurisdiction; Summons.

5. To alter from time to time, if it thinks proper, its *quorum* for the dispatch of routine business, but such *quorum* shall not be less than five members present; and whenever any decision is required to be taken on any matter brought before the board, the *quorum* shall consist of twelve members present for the despatch of business, and eight for the examination of candidates for admission to the study or practice of the profession; Quorum.

6. According to the gravity of the offence and according to the provisions of this act, to punish by itself or through the action of the commission of accusations, any notary within its jurisdiction, by the imposition of all or any of the disciplinary penalties defined and enumerated in section 177 of this act, and of the several fines prescribed by this act in the various sections thereof; Punishments.

7. To make such by-laws and orders as from time to time are found requisite for the administration and regulation of all matters under its control, and for the due execution of this act. By-laws.

**108.** In the case of accusations brought against notaries and for the mode of procedure therein, there is appointed, at the ordinary meeting of the board of notaries, held in October of each year, a commission of five members chosen from among the members of the board itself, of which three are a *quorum*, which commission has by the present act, power to investigate, hear and decide, in the manner and form hereinafter provided, any accusation against a notary for breach of his professional duties or for all acts derogatory to the honor of the profession. The secretary of the board, or his deputy, as the case may be acts as its clerk *ex-officio*. Accusations.  
Commission of 5 members.

**109.** The powers of such commission expire at the annual meeting which follows its nomination; the members Commission is for a year.

- Proviso.** who compose it are however, eligible to re-election, if they are qualified and consent.  
The commission which has heard an accusation on the merits, must render judgment, notwithstanding the expiration of its powers.
- Place of its sitting.** The commission must sit at Montreal or Quebec, whenever so required by its chairman, by two members, or by one of the secretaries of the board.
- Rules.** The board is authorized to make rules to define the proceedings for convening the commission, and the latter has power to make by-laws to regulate its proceedings, and the procedure to be adopted before it.
- Complaints admitted by the board.** The board of notaries may, by resolution, cause to be brought before the commission of accusations, any complaints and accusations received and admitted by the provincial board of notaries up to the time of the coming into force of the present act. From such time, the commission, its officers, and the officers of the board, each in so far as concerned, take up the proceedings on such accusation, in the state in which it is, and continues them in the manner prescribed by this act, till final judgment; without prejudice, however, to the right of appeal herein-after provided.
- Decision.** **110.** In every case where a notary is accused before the commission of accusations of any offence or of any action derogatory to the dignity, and honor of the profession, or of any contravention of the provisions of the present act, the accusation is decided *viva voce*, "guilty" or "not guilty," by the absolute majority of the commission appointed by the board.
- Absolute majority.**
- Power of the syndic.** **111.** The syndic may, *ex-officio* and on the sole authority of the board, bring, in the name of the board, before the commission, an accusation against any notary who violates any one or more provisions of this act, which violation entails the infliction of disciplinary penalties, and he may conduct in his own name as complainant all the proceedings according to the procedure prescribed by this act.
- Mode of proceeding.** **112.** The mode of proceeding on all accusations brought by the syndic is as follows:—whenever the syndic receives, on the oath of one or more credible persons, (the oath to be administered by any justice of the peace,) a complaint against a notary, reflecting on the honor, dignity or duties of the profession, he, without delay, lays such complaint before a meeting of the commission of accusations, called for that purpose, by its chairman, two of its members, or one of the secretaries of the board, on the demand of the syndic; and if the commission deem that there is matter for investigation, it orders the trial of such notary.

**113.** When the syndic *ex-officio*, takes proceedings against a notary, on the sole authority of the board, the commission of accusations is relieved from deciding whether there be matter for investigation, and from ordering the trial of such notary.

Idem.

**114.** The complaint must briefly mention the time, place and circumstances of the charge.

Allegations of the complaint.

**115.** The syndic then draws up the act of accusation in the form of schedule No. 3, of the present act.

Act of accusation.

Such act of accusation is transmitted to the secretary of the place where the commission must sit, which secretary makes a copy, which he certifies, and causes to be served on the accused, with an order in the name of the president of the board enjoining him to appear in person or by attorney before the clerk of the commission, on the day and hour mentioned in the said order, which is drawn up in the form of schedule No. 4 to this act.

Order to the accused.

**116.** There must be a delay of ten days between the service of the order and the appearance of the accused, if the latter has his elected domicile within five leagues of the place of meeting of the commission; and if the distance exceeds five leagues, the delay is increased by one day for each additional five leagues.

Delay.

**117.** The service of the act of accusation and of the order to appear is made by a bailiff of the superior court, by delivering certified copies as aforesaid to the accused in person, or to a reasonable person of his domicile, and the said bailiff, under his oath of office, makes a return of such service on the original of the said order to appear, which original, with the papers annexed, he transmits to the secretary at least two days before the date fixed for the appearance of the accused.

Service made by a bailiff of the S. C.

**118.** The complainant transmits to the secretary, on or before the day of return of the act of accusation, the exhibits in support of his complaint, and the list of witnesses to the charge, stating the domicile of his witnesses.

Exhibits and list of the witnesses filed.

**119.** The complainant may appear personally or by attorney, on the day of the return of the act of accusation, if not, the syndic represents him.

Appearance.

**120.** The reply to the accusation is made in writing and is signed by the accused or by his attorney; it may contain a general denial of the accusation or a special answer to all or any part thereof; in any case it is communicated, either personally or through attorney, to the secretary, within the eight days following the return of

Reply.

Delay.



Exhibits and the act of accusation, together with the exhibits in support thereof, and also a list of the witnesses of the accused, with their respective domiciles.

Issue joined. **121.** Issue is joined,

1. By the act of accusation, the answer of the accused, and the replication of the complainant, or of the syndic when he acts *ex-officio* ;

2. It is equally so by foreclosure from pleading or in the absence of a replication ;

3. Nevertheless on petition justified to that end, the delegate of the commission may accord leave to produce further pleadings.

Record ; communication thereof ; exception.

**122.** In any case brought before the commission of accusations :

1. The list of witnesses produced by either side, must not be communicated to the other party ;

2. The papers produced cannot be withdrawn except with the written consent of both parties, the written permission of the delegate of the commission, and upon receipts therefor ;

3. Each paper filed in a case (excepting the lists of witnesses,) is common to both parties in the case, and they may order copies to be forwarded to them, by the clerk so long as he is the custodian thereof ;

4. Until the last and final judgment is rendered, every paper filed forms part of the record, and after the cause is definitely concluded cannot be returned to the party who filed it, except by the written permission of the delegate of the commission, or of the president or vice-president of the board when an appeal has been instituted.

Presumed domicile of the parties.

**123.** The domicile of the complainant and of the accused, for the proceedings on the accusation, is deemed to be at the office of the secretary of the board, at the place where the commission is to sit.

Foreclosure.

**124.** If the accused does not answer the accusation within the delay established, he is foreclosed from doing so, and the complainant proceeds to proof in the manner hereinafter mentioned.

Inscription for proof.

**125.** Within six days from the filing of the replication or other pleading authorized by the delegate of the commission or from the foreclosure of the accused, the complainant or syndic, when acting *ex-officio*, or on their default the accused may inscribe the cause for proof, mentioning the place where the evidence on either side is to be taken, and the secretary transmits the record to the commission, in order to proceed to proof.

**126** At the first or any other meeting of the commission of accusations, for the reception of, or for taking into consideration, any complaint or accusation against a notary, it may appoint one of its members as a delegate, and to him it may transfer all its powers, or a part thereof only, moment to the decision and regulating of any incident which may arise in the procedure and at *enquête*, from the period of his appointment as delegate, till the case be definitely ready for final hearing on the merits.

Delegate of the commission: his powers.

**127.** If, by his nomination, the powers of such delegate are not defined, they include all that the commission may itself exercise, from the date of his appointment, till the case be ready for final hearing on the merits.

Idem.

**128.** The commission also appoints at its first meeting a *commissaire-enquêteur*, whose powers are indicated and duties prescribed by the sections of this act.

*Commissaire-enquêteur.*

**129.** The order appointing such commissioner must specify the place where the investigation shall be held, and the delay within which it shall be completed. Such delay may be extended, on sufficient cause, by the delegate of the commission.

Mention required in the order.

**130.** The delegate superintends the proceedings and the investigation, and any decision rendered by the *commissaire-enquêteur*, on any objection made during the investigation on any point of procedure, is subject to revision by the delegate, at the instance of either of the parties. The judgment of the delegate is in such case final and conclusive.

Duty of the delegate.

**131.** Paragraph 6 of section 3 of chapter 6 of the first title of the first book of the second part of the code of civil procedure, and the amendments to such portion of the code apply to the duties of the *commissaire-enquêteur* under this act, and to the procedure at the investigation before him, in so far as other provisions are not laid down in respect thereof by this act.

Para: 6, s. 3, c. 6, T I. B. I. part 2 of the c. c. p. shall apply.

**132.** The witnesses are summoned by writ of *subpœnâ* in the form of schedule No. 5 of this act, in the name of the president of the board, and signed by the secretary; and their refusal to appear before the *commissaire-enquêteur*, is equivalent to a refusal to appear before a court of justice, and the commissioner has, by this act, the same powers to compel witnesses to attend and give evidence, as courts of justice.

Witnesses.

Such writ of *subpœnâ*, as are all other pieces of procedure under this act, is served by a bailiff of the superior court.

*Subpœnâ.*

Powers of the  
*commissaire-  
enquêteur.*

The *commissaire-enquêteur*, during the investigation, has the same power to fine witnesses for non-attendance, and to imprison for contempt of court, as a judge sitting in any court of justice, in the province of Quebec.

*Commissaire-  
enquêteur* ad-  
ministers the  
oath to wit-  
nesses.

**133.** The *commissaire-enquêteur* is empowered by this act to administer the oath to the witnesses; and any person guilty of any false declaration, in any oath required, is guilty of perjury, and punished by the penalties by law inflicted, in cases of perjury.

*Enquête* taken  
at length.

The *enquête* before the *commissaire-enquêteur* must be taken down at length, in the same manner as that specified in the code of civil procedure, in relation to an *enquête* before the superior court.

Expenses of  
the witnesses.

The expenses of the witnesses are taxed by the *commissaire-enquêteur*, subject to revision by the delegate, if occasion require.

*Enquête* de-  
clared closed.

**134.** If five days elapse, and neither party proceeds with his *enquête*, the *commissaire-enquêteur* may *pleno jure* declare closed the *enquête* of the party in default, and may grant act thereof to the other party, upon his demand. He may also declare the *enquête* closed generally, if neither party proceed within such delay.

Report of the  
*commissaire-  
enquêteur.*

**135.** So soon as the *commissaire-enquêteur* has closed the *enquête* generally, he reports his proceedings, the secretary inscribes the cause on the roll for hearing on the merits, and gives notice to the parties, and to the members of the commission, at least ten days previously, of the day fixed for such hearing.

Inscription  
for hearing on  
the merits.

Counsel  
heard.

**136.** At the hearing of the cause, not more than two counsel are heard on either side, and one only in reply.

Judgment  
rendered,  
with grounds  
thereof.

**137.** The commission, after deliberation, must give its judgment in writing, together with the grounds thereof, and if the accused is declared guilty, the judgment at the same time pronounces the punishment which the commission intends to inflict.

Its effect.

The judgment of the commission pronouncing sentence of suspension or removal only takes effect on the day after the expiration of the delay to appeal therefrom.

Costs in the  
proceedings.

**138.** The costs incurred in the proceedings are taxed in the judgment against the party liable for the same, at the discretion of the commission.

Taxation.

2. Such costs are taxed according to the tariff established by the board, as well for costs incurred in the first instance, as for those of appeal.

Tariff.

3. Such tariff may be modified by the board when it deems it expedient.

4. The costs taxable according to such tariff, are the travelling expenses of the members of the commission of accusations, of their delegate, of the *commissaire-enquêteur*, of the secretaries of the board acting as such or as clerks of the commission, of the syndic, of the counsel of the parties, of the writers at *enquêtes* if any are employed, of the bailiffs and of the witnesses. Taxable costs.

5. If a fee is not provided in the tariff for any necessary or useful service rendered in relation to the case, the commission, the delegate thereof or the board, according to circumstances and the position of the case, may allow a fee for such service, and tax the same against such of the parties to the cause as they may deem meet. Fees not provided for.

**139.** The prothonotary of the superior court of the district where the party condemned resides is authorized and enjoined, on production of a certified copy of the judgment, which then forms part of the archives of the court and remains of record, to issue a writ of execution for the recovery of the costs of judgment and subsequent costs, as in judgments of the superior court; in the case of an opposition, the costs are as in a cause of the lowest class in the superior court. The same proceedings are had in relation to the costs of the judgment in appeal, before the assembled board. Execution issued by the prothonotary.

**140.** The commission is hereby authorized, and according to the gravity of an offence against discipline, or of any action derogatory to the honor of the profession, to impose : Powers of the commission.

1. Censure, deprivation of the right to vote at any meeting of notaries, ineligibility to the board of notaries for a period more or less extended, at the discretion of the commission, removal as a member of the board of notaries, if the party found guilty is then a member thereof, suspension for any time not exceeding five years, or absolute removal. Censure.

2. The judgment inflicting such penalties is given at the first ordinary meeting, following the date of the judgment, which imposes the same. It is pronounced in a loud voice by the chairman of the meeting, the offender having been previously summoned to appear for that purpose by the clerk Judgment.

3. At the expiration of fifteen days after the judgment pronouncing censure, suspension or removal, if the party condemned has not appealed therefrom, execution follows. In the case of a judgment pronouncing sentence of suspension or removal, a copy thereof, certified by one of the secretaries of the board, is served by a bailiff upon the prothonotary of the superior court of the district in which the notary condemned is resident. Execution. Service in certain cases.

- Service to the prothonotary. 4. Together with such copy of judgment, an order is served upon the prothonotary, enjoining him in the name of the board to take possession of the *greffe* of the notary condemned, and retain it for the future if the latter is removed, or for the whole period of his suspension, if he is merely suspended.
- Return. 5. The bailiff makes a return of the service of such copy of judgment and of such order upon the original of the said order.
- Duties of the prothonotary. 6. And to the end hereof, the prothonotary is bound to take proceedings, to obtain possession of the *greffe* of the condemned notary, as in the ordinary cases provided for by section 69 of this act.
- Idem. 7. The prothonotary is bound to report his proceedings to the president of the board of notaries.
- Publication in the Official Gazette. 8. The suspension or removal of a notary, is published for one month in the *Quebec Official Gazette*, immediately after the expiration of the delay to appeal, if no appeal is instituted, and immediately after the judgment of the board sitting as a court of appeal, if the judgment originally rendered is confirmed.
9. The notary who after suspension or removal, during such suspension, or after his removal, takes fees as a notary, for any deed executed after his suspension, is deemed to have taken them under false pretences, and is punishable in the same manner as persons obtaining money under false pretences.
- Appeal to the board of notaries. 141. Any notary accused, who considers himself aggrieved by the final judgment rendered by the commission on the charge brought against him, can only appeal therefrom to the board of notaries, in the manner herein-after set forth, and no judgment of the commission rendered under this act can be set aside by other means than that of the appeal therein mentioned.
- Deposit of \$50.00. 2. With the view of obtaining such appeal, the notary aggrieved must, within fifteen days after the pronouncing of the judgment, deposit fifty dollars with the treasurer of the board. Such sum is returned to the appellant, if the judgment of the commission is set aside or altered, together with the costs, but in the contrary case, goes in part payment of the costs of the appeal, and no record or copy of proceedings is transmitted to the board, unless the deposit hereinabove required is made, and the inscription for appeal duly served upon the respondent or his attorney, and no inscription is received previous to such deposit and service. In the event of no appeal having been instituted, within fifteen days after the rendering of the judgment, such judgment is final and executory without delay.
- Service. Delay. 3. The service of the inscription and the deposit have the effect of compelling the secretary to transmit to the
- Duties of the secretary.

board, the record of the charge instituted against the appellant, together with the inscription and the certificate of deposit, as also the proceedings and copies of all judgments and orders in the cause, and to enter the cause upon the appeal roll.

4. On the inscription of the cause on the roll of appeal, the secretary must lodge in Her Majesty's post office, post-paid, a notice of such appeal and of the day fixed by him for the hearing thereof, which hearing shall not take place before the expiration of fifteen days after the deposit of the notice in the post office ; such notice is addressed to the appellant, to the respondent, to the president, and to the members of the board, requiring their attendance at the day, place and hour specified.

Notice to the members of the board.

5. The members of the commission cannot sit in the board constituted into a court of appeal.

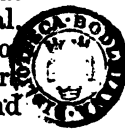
Inability of cert. members.

6. The *quorum* of the board sitting as a court of appeal consists of twelve members present.

Quorum.

7. At the time of the hearing in appeal, the complainant and accused must file statements or factums to the number of fifty copies, which they transmit at least eight days before the hearing to the secretary of the board, at the place where it is about to sit as a court of appeal. The said secretary, (who acts as clerk of the court of appeal), distributes copies of the *factum* to the members of the board who are to constitute the court of appeal, and to the parties interested.

Factum.



8. If such statement or *factum* is not produced within the said delay, on the part of the appellant, the appeal is held to be abandoned, and the secretary must strike the inscription, and notify the members of the board not to assemble, in relation to the said cause.

Default of factum.

9. If such statement or *factum* is not produced within such delay, on the part of the respondent, the appellant is notified thereof by the secretary, and the appeal is heard *ex parte* without the intervention of the respondent.

**142.** The record of the proceedings in the first instance before the commission, and the *factum* of the parties shall be the only documents produced in appeal, or

Documents to be submitted.

1. On the day fixed for hearing, if neither of the two parties appear before the assembled board, the case is struck from the roll, and cannot be again inscribed except on payment of a further deposit, if the first is not sufficient to cover the expenses incurred and to be incurred for another meeting of the board ; which costs the latter must tax in striking the case from the roll ;

Default to appear.

2. If the appellant do not appear, the appeal on the respondent's application is dismissed with costs ;

3. If the respondent do not appear, the appellant, on demand, is heard *ex parte* and judgment rendered.

Counsel  
heard.

**143.** In any appeal, not more than two counsel may be heard on the side of each party, and one only in reply.

Judgment.

**144.** Judgment must be rendered within the shortest delay possible ; it is publicly rendered, and is recorded in the minutes of the board, and transmitted, as the case may be, as aforesaid, to the prothonotary.

Judgment.

**145.** The board confirms, disaffirms, or modifies the final judgment rendered in the first instance, and pronounces the judgment which should have been rendered by the commission, and adjudges costs, as well in the first instance, as in appeal.

If the judgment decree suspension, it must fix the days on which such suspension commences and ends.

If the judgment decree removal, it takes immediate effect.

Tariff of fees.

**146.** The board is authorized to prepare and establish a tariff of fees, as well in respect of proceedings in the first instance, as in appeal.

Punishment  
in case of ab-  
sence.

**147.** Any member, who without valid reason absents himself from the meetings of the board of notaries or of the commission of accusations, is liable to the disciplinary penalties hereinafter mentioned, in section 177 of the present act.

2. In regard to members of the commission of accusations, such absence is established by the *procès-verbal* of the meetings of the commission, in which must be entered the names and surnames of the members present at each sitting.

3. The absence of a member of the commission, established by the *procès-verbal* of the meetings and proceedings thereof, is the only proof required to authorize the commission of which such member formed part, to impose disciplinary penalties on such absent member, the latter being previously heard or duly summoned according to rules which the board may make from time to time, in reference thereto; saving an appeal to the board by the commissioner condemned.

Appeal.

Proceedings.

4. In the event of appeal by the latter, the appeal will be proceeded with as hereinbefore prescribed in relation to any appeal from a judgment of the commission of accusations, in an ordinary case.

Substitute.

5. If suspension be decreed, the commission (of which three form then a quorum) appoint *ex-officio* a substitute duly qualified in this respect, to replace the absent member, so as not to retard the trial and decision, in an action then pending ; if otherwise it is necessary to wait till the board appoint one to replace such member, at its first meeting after the vacancy has occurred.

**148.** The board of notaries may, as often as it deems fit, choose amongst its members, or amongst other notaries under its jurisdiction, one or more practising notaries Inspectors of greffes, appointed by the board. not exceeding three, to inspect the offices or *greffes*, minutes, repertories and indices of one, or more or all the notaries, with the view of establishing whether they conform to the laws of this province, and to the provisions of the present act, and to collect information on all matters and things, contained in the instructions they receive from the board of notaries, to which they report under their oath of office.

The inspectors thus appointed cannot be compelled to act as such, if they fall within the class exempted from accepting office by this act. Case of exemption.

**149.** Any notary who refuses either to receive the visit of the notary or notaries thus appointed, or to grant communication of his official papers and registers, incurs for each refusal or neglect, the pains and penalties imposed by this act. Penalty for refusal.

**150.** Any notary thus appointed to make such inspection, cannot be compelled to make more than one visit during three years; and he is entitled to receive from the common fund of the board of notaries, any remuneration deemed sufficient by the board. Exception. Costs.

### SECTION THIRD.

#### TARIFF OF NOTARIAL FEES.

**151.** The board of notaries may make one or more tariffs of fees, which may be exacted by notaries for professional services, and it may increase, diminish or otherwise modify them from time to time. Tariff of fees exacted by notaries.

**152.** Such tariffs, so made or modified, enter into force only after they are published in the *Quebec Official Gazette* for four consecutive weeks, and fifteen days after the last publication; any notary contravening them, by exceeding such tariff, is subject to the disciplinary penalties and fines hereinafter prescribed. Published in the Official Gazette.

The board of notaries is bound to print copies for the use of notaries inscribed as practising, and address to each a copy authenticated by one of the secretaries of the board, as also to each prothonotary of the superior court, who must exhibit it in a prominent place in his office. Penalty for contravention.

### SECTION FOURTH.

#### COMMON FUND OF THE BOARD OF NOTARIES.

**153.** The board of notaries may establish a common fund, which is formed by subscriptions from the several Common fund.



Annual contribution. practising notaries of the province. In order to assist in forming this common fund, and to meet the annual and extraordinary expenses of the board, there shall be paid, in advance, each year, on the first of March, by each practising notary, at the office of the treasurer of the board, a fixed subscription of four dollars. This subscription may be augmented or decreased by by-law of the board, as it deems advisable.

Arrears due to the old boards. **154.** The arrears of subscriptions established by former laws, to be paid into the common fund of the notaries of the heretofore district boards of notaries or into the common fund of the provincial board of notaries, in this province, if they have not already been paid and discharged, are the property of the board of notaries created by this act, and are payable at the office of its treasurer in office for the time being.

Recovery of the contribution and arrears. **155.** The fixed subscription, increased or diminished as provided for in section 153 of this act, and the arrears of former subscriptions mentioned in the preceding section, are, in default of payment, recoverable by the syndic, by action in the name of the board of notaries before any competent court of the place where the treasurer of the board in office for the time being may reside.

Penalty for refusing to pay. **156.** Any notary who refuses or neglects to pay, at the times or places hereinabove mentioned, the subscription and arrears mentioned in the three preceding sections is subject to the disciplinary penalties hereinafter mentioned, in the section 177 of this act.

Annual statement of receipts and expenditure. **157.** A statement of receipts and expenditure is, each year, submitted to the board by the treasurer, at its first meeting, under the pains and penalties hereinafter provided.

Fiscal year. **158.** The fiscal year of the board of notaries dates from the first of March.

By a by-law of the board the commencement of the fiscal year may be altered from time to time.

If the board makes such change, the subscription of the year commencing at the newly-established date, is payable in advance.

## SECTION FIFTH.

### EXAMINATION AND ADMISSION OF CANDIDATES TO STUDY AND PRACTISE AS NOTARIES.--FEES.

Admission as a student. **159.** No person shall be admitted as a student with any notary unless he has previously undergone a public

examination before the board of notaries, in relation to his qualifications and capacity, nor unless he establishes that he has received a liberal education, which must include a complete course of classical studies, that is to say: latin elements, syntax, method, versification, belles-lettres, rhetoric and philosophy inclusive, or any other complete course of classical studies taught in colleges, seminaries, or any incorporated university, nor unless he produces a certificate to such effect, nor unless he has given the notice required by section 164 hereinafter specified.

Knowledge  
required.

Notice requir-  
ed.

**160.** Any candidate may undergo an examination to be admitted as a student of the profession, at any ordinary and regular meeting of the board of notaries, and, if it consent, at any extraordinary or special meeting.

Meetings.

**161.** After the examination of the candidate, and the production of the requisite certificates, if the board deem him sufficiently qualified and capable, he is admitted to the study of the notarial profession.

Examination.

A certificate thereof is delivered to such candidate in the form of schedule No. 1, of this act or in any other analogous form.

Certificate.

Such certificate must be annexed to the minute of the deed or articles of clerkship, in which mention must be thereof made, as also of the date of such certificate, and of that of the board's admission of the candidate to the study of the profession.

**162.** To be entitled to the certificate of admission to practise as a notary, the candidate must prove before the board :

Conditions  
required for a  
certificate to  
the admission  
as a student.

1. That he possesses the qualities required by the thirtieth section of this act ;
2. That he has been regularly admitted to study as a notary ;
3. That he has *bonâ fide* served a regular clerkship under a practising notary, during four consecutive years ; or during three years, if he has at the same time, and to the satisfaction of the board, followed an university course ;
4. That he has thus served during such time of his clerkship, under a notarial deed or *brevet portant minute* ;
5. His good moral conduct during such clerkship ;
6. His knowledge of law and notarial practice, in an examination before the board ;
7. His practical knowledge of the drawing up of notarial deeds, by drawing up at once any part of a deed which the board may direct him.

If a candidate has terminated his time of clerkship since twelve months.

**163.** Twelve months after the expiration of his clerkship, the candidate cannot be admitted to prove before the board what is required of him by the preceding section, unless upon:

1. Obtaining from it a by-law permitting him to proceed to such proof;
2. Paying to its treasurer and for the use of the board, as special compensation, the sum of twenty-five dollars;
3. Fulfilling the conditions and defraying the expenses which the board, according to the circumstances, may ordain by such by-law.

Noticerequired from the candidate to the practice.

**164.** The candidate for admission to practise as a notary must give to the secretary of the board, at the place where it is to hold its next meeting, a written notice, at least one month in advance, containing:

1. His name and surname, as entered in his certificate of baptism or birth;
2. Mention of his intention of submitting to the examination required in a candidate for practice.

This notice must be signed by the candidate, and be accompanied by a sum of fifteen dollars to cover the expense of the publication of the notice prescribed by the following section.

Notice to be given by the Secretary.

**165.** The secretary of the board, at the place where it is to hold its next meeting, must give notice for three weeks, of the day and hour at which the examination will take place, and of the name, surname and residence of each candidate.

This notice must be drawn in the French and English languages, and be posted up as notices in the offices of the two secretaries of the board, and then published in one or more newspapers, in the manner prescribed by the rules of the board.

Meetings.

**166.** Each candidate may obtain a certificate of admission to practise as a notary, at the ordinary meeting of the board nearest to the date of the expiration of his articles of clerkship, whether such meeting be held before or after such expiration; nevertheless the certificate is not given before the expiration of such articles.

Power of the board to summon witnesses.

**167.** The board of notaries may summon before it, by an order under the hand and seal of the president, or on his default, of the vice-president, and the countersignature of one of its secretaries, any person, whom the candidate or those opposing his admission, wish to call in support of or in opposition to the allegations concerning his mode of life and qualification. The oath is administered to the witness in this case by the person presiding at the board, when such oath is required.

Oath.

**168.** If the candidate has complied with all the conditions required by law, is found capable and qualified by the board of notaries, and has paid to the treasurer of the board a sum of fifty dollars, he is entitled to obtain a commission to practise as a notary, in the form of schedule No. 2 of this act, or in any form having the same effect. He is bound to enregister such commission, in the office of the registrar of the province.

Certificate of admission.

Payment of \$50.

Registration.

**169.** The word "consecutive," in paragraph 3, of section 162 of this act, and applying to the length of clerkship required, signifies that there has not been any interruption throughout longer than three months in the studies of the candidate, and an interruption of not more than three months in all, in the studies of a candidate to practise as a notary, does not prevent his admission to examination, and is not in any manner injurious to him, at whatever time the interruption may have taken place.

Interpretation of the word "consecutive."

If the interruption be more than three months, the board may use its discretion as to what it is best to do.

Case of interruption of more than three months.

To do away with the necessity of the candidate applying to the legislature for relief, the board may make a by-law to do away with such default, the candidate who wishes to benefit by it, paying to the treasurer of the board a sum of twenty-five dollars to the profit of the common fund, without prejudice to the payment of the other sums which each candidate is obliged to pay before obtaining his commission.

**170.** The examinations of candidates for study or practice as notaries, are held at a meeting of the board in *quorum*, and are conducted as well in writing, as publicly and *viva voce*.

Examinations.

**171.** A candidate to practise as a notary who, after examination, has been thrice refused on account of incapacity, is not again permitted to undergo an examination or to be admitted as a notary.

If candidate is thrice refused.

**172.** In addition to the examinations hereinabove required the board of notaries may, by regulations made from time to time, subject the candidates for admission to the practice of the notarial profession, to one or more examinations on the study and practice of law, during their time of clerkship.

The board may order several examinations.

**173.** The three or four years of clerkship required shall be computed from the date of the articles, and not from the date of the admission to the study of the profession by the board of notaries.

When clerkship begins.

Registration  
of articles and  
transfers.

**174.** All articles and transfers of articles must be en-registered in the office of one of the secretaries of the board of notaries, within a delay of thirty days from their date, under pain of the nullity of such articles or transfers; nevertheless the board of notaries may allow the registration of any such deed after such delay, on the special application of the person in default, on condition of his paying a sum not exceeding ten dollars; but such enregistration must be made at least within six months before the expiration of such articles.

Secretaries'  
fees.

**175.** The secretaries of the board of notaries, or their deputies, shall be entitled to demand and receive the following fees, which the board may, from time to time, modify :

1. For the certificate of capacity and admission to the profession, delivered to the candidate, five dollars, over and above the cost of publication of the advertisement ;
2. For the entry of any declaration in the cases provided for by the present act, fifty cents ;
3. For every summons, twenty-five cents ;
4. For enregistering any articles, or transfer of articles, and the certificate substantiating it, one dollar for the first four hundred words or under, and ten cents for every additional hundred words ;
5. For a certificate of any copy asked for and certified, fifty cents.

Tariff of fees  
payable to  
officers.

**176.** The board may also, from time to time, by by-law make and modify as it pleases, a tariff of fees to be paid to any of its officers, or officers of the commission of accusations, for any papers and other acts required of them, in the performance of their respective duties, and in respect of which this act does not otherwise provide.

Disciplinary  
penalties.

**177.** The disciplinary penalties mentioned in the several sections of this act, are the following :

1. Deprivation of the right of voting at elections of members of the board, as also at the general meetings of notaries, during a certain period ;
2. Deprivation of eligibility to the office of member of the board ;
3. Calling to order a member of the board, which prevents him attending the meeting in which he is called to order, unless he apologizes to the board ;
4. Censure ;
5. Forfeiture of membership of the board of notaries ;
6. Suspension from the right of practising the profession of a notary, which *ipso facto* removes him from membership of the board ;
7. Removal from the office of notary.

**178.** All these disciplinary penalties are imposed at the discretion of the board, or the commission of accusations, according to their powers. And they are imposed separately or simultaneously. Penalties imposed.

**179.** Any notary who is guilty of any infraction of the provisions of the sections hereinafter specified of this act, incurs one, or more, or all of the disciplinary penalties mentioned in section 177 aforesaid, and is at the same time amenable to the following pecuniary penalties : Penalties.

## SECTION SIXTH.

### IMPOSITION AND RECOVERY OF PENALTIES ; MISCELLANEOUS PROVISIONS.

**180.** 1. For contravening section twenty, in reference to the list of interdicted persons, curators or judicial advisers, a penalty of from ten to twenty dollars ; Fines for contravening sections 20.

2. For contravening the provisions of sections 32, 33 and 34, respecting the taking of the oath of office, and the other things to be performed before commencing practice, a penalty of from twenty to one hundred dollars ; 32, 33 and 34.

3. For contravening sections 53 and 55 referring to the drawing up of deeds, a penalty of from ten to twenty dollars ; 53 and 55.

4. For contravening sections 65 and 66 referring to the keeping of repertories and indices, a penalty of from twenty to fifty dollars ; 65 and 66.

5. For contravening the provisions of sections 104 and 105, referring to the refusal of accepting the office of member of the board of notaries, or of officer thereof, or negligence after accepting in fulfilling the duties, without sufficient cause, a penalty of from ten to twenty dollars ; 104 and 105.

6. For contravening section 148 in relation to the inspection of notarial *greffes*, a penalty not exceeding twenty-five dollars ; 148.

7. For contravening section 149 respecting the refusal to receive such visit and to communicate official papers and registers, a penalty not exceeding forty dollars ; 149.

8. For contravening the provisions of section 152, relative to the tariff of fees of notaries a penalty of from twenty to thirty dollars ; 152.

9. For contravening section 157 respecting the annual account to be rendered by the treasurer, a penalty of from ten to twenty dollars, for each week during which he neglects to make the same. 157.

**181.** Any fine or penalty imposed by the present act is sued for and is recoverable by the syndic, in the name and with the previous authorization of the board, or of its Fines recovered by law-suit.

Use. president or vice-president, before any competent civil court; and when recovered, it is paid by the syndic into the hands of the treasurer of the board, to form part of the common fund.

Archives of old boards.

**182.** The registers, books and archives which belonged to the former boards of notaries if not heretofore transferred, shall be transferred to the board of notaries, within thirty days from the coming into force of this act, under a penalty of fifty dollars against the custodian for each month during which he neglects to fulfil such duty.

Indemnity to members of the board.

**183.** The members of the board of notaries are entitled to be indemnified for their costs and travelling expenses during the whole period of their attendance at its meetings, or at those of special committees sitting in vacation; which expenses in the first instance must not exceed two dollars, and in the second four dollars a day, computing from the day of departure from their residence to that of return, over and above travelling expenses, which are also to be repaid.

These costs and expenses are paid by the treasurer from the common fund, on a certificate taxing the said costs and expenses, given and signed by the president, in his absence by the vice-president, or in their absence by the *pro tempore* president of the meeting, and as regards a special committee sitting in vacation, by the chairman of the committee. The board may, by by-law, increase the indemnity.

Idem.

**184.** Saving the exception hereinafter made, all the members of the board of notaries, over and above necessary disbursements really paid for expenses and travelling, and which shall be refunded to them, are entitled to an indemnity of two dollars *per diem*, for all the time absolutely required to take them to the place of meetings of the board, give their attendance and return; the day of leaving their residence and the day of return count as two whole days.

Exception.

The following persons are exempted from benefiting by the preceding provision: 1. the members of the board who reside in the town where the meeting is held; 2. those who reside in suburban municipalities and in the immediate vicinity of the town.

Special committees.

The members of the board of notaries who attend, when it is not in session, according to its instructions at meetings of special committees appointed by it, are also entitled to travelling expenses and an indemnity, to be fixed by the board, at the time of the appointment of the committees, or later at its discretion.

Accounts attested.

Such expenses and indemnity are paid by the treasurer, from the common fund of the board, on a detailed

account, attested by the declaration prescribed by the statute of Canada, 37 Vict., chap. 37, of the member who produces it, before the treasurer, and on receipt to the satisfaction of the latter.

The treasurer is himself sworn as to his account, before one of the secretaries of the board, or his deputy.

**185.** Practising notaries have alone the right of voting at meetings of notaries, and at meetings for the election of members of the board, and further practising notaries are alone eligible as members of the board of notaries, provided always, that in either case, they have before the first of April preceding such meetings, paid their subscription to the common fund of the board, to the last day of the month of February preceding.

Voters at meetings.

Eligibility.

#### FINAL PROVISIONS ; LAWS REPEALED.

**186.** The acts of the legislature of this province, thirty-third Victoria, chapter twenty-eight, and thirty-fourth Victoria, chapter thirteen, as also chapter seventy-three of the consolidated statutes for Lower Canada, as amended by the act twenty-seven and twenty-eight Victoria, chapter forty-five, are hereby repealed.

33 v., c. 28 ;  
34 v., c. 13 ; C.  
S. L. C. c., 73  
and 27-28  
v., c. 45, re-  
pealed.

**187.** All other laws in force respecting the notarial profession, at the time of the coming into force of the present act, are also repealed in cases :

Other laws re-  
pealed in cer-  
tain cases.

1. Where it contains a provision which has expressly or impliedly such effect ;
2. Where they are contrary to or inconsistent with the provisions it contains ;
3. Where it contains an express provision on the special subject of such laws.

**188.** This act shall come into force on the day of its sanction.

Act in force.

#### SCHEDULE No. 1.

Schedule 1.

#### CERTIFICATE OF ADMISSION TO THE STUDY OF THE NOTARIAL PROFESSION.

Province of Quebec. } BOARD OF NOTARIES.

This is to certify to all whom it may concern, that  
of \_\_\_\_\_ in the district  
\_\_\_\_\_ hath passed his public examina-  
tion before the board of notaries, and hath been found  
duly qualified, according to the requirements of the law  
in this behalf, to study the profession of notary in the  
province of Quebec.



In witness whereof, we have signed these presents at  
in the district of  
in the province of Quebec, the  
day of the month of eighteen hundred  
and sixty

*President.*

*Secretary.*

**SCHEDULE No. 2.**

CERTIFICATE OF ADMISSION TO PRACTISE AS A  
NOTARY.

**FORM OF CERTIFICATE OR COMMISSION.**

Province of Quebec, Board of Notaries.

This is to certify to all whom it may concern, that A. B. of \_\_\_\_\_ in the district of \_\_\_\_\_ Esquire, hath duly passed his examination before the board of notaries, and hath been found qualified to fulfil the office and duties of a notary, he having complied with all the requirements of the law in that behalf.

Wherefore the said A. B. is admitted by the board to the profession of a notary, and is in virtue of the law authorized to practise the profession of a notary in this province, and to enjoy all the rights and privileges attached to such office.

In witness whereof, we have signed these presents, at  
the day of  
in the year eighteen hundred and  
have thereto set the seal of the board.

(L. S.)

C. D.

*President.*

**E. F.**

*Secretary.*

**SCHEDULE No. 3.**

**ACT OF ACCUSATION.**

Province of Quebec, Board of Notaries.

*To the president and members of the Board of Notaries.*

A. B., Syndic of the board of notaries, informs, by these presents, the said board, that G. H. Esquire, residing at \_\_\_\_\_ in the district of \_\_\_\_\_ is accused under oath of N. B.

as follows, to wit: that the said G. H. (*here set forth the offence.*)

Wherefore the said A. B. prays that there issue an order from the said board, enjoining the said G. H. to appear before it, in due course of law and justice.

Done at                      this                      day of  
   eighteen hundred

**A. B.**  
**Syndic.**

**SCHEDULE No. 4.**

**SUMMONS OF THE ACCUSED.**

**Province of Quebec, Board of Notaries.**

By the president and members of the board of notaries,  
to G. H., Esquire, residing at \_\_\_\_\_ in the district of  
greeting :

You are by these presents required to appear in person before us at our board, in the city of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ instant (or next), at \_\_\_\_\_ o'clock of the \_\_\_\_\_ noon then and there to answer to the complaint, a copy of which is annexed, brought against you by A. B., Esquire, syndic.

And you are informed that, in default of appearing before us, at the day, hour and place mentioned, proceedings will be had by default on the said complaint.

Given at \_\_\_\_\_ under the seal of the said board, the  
signature of our president and the counter-signature of  
one of our secretaries, this \_\_\_\_\_ day of \_\_\_\_\_ eighteen hundred \_\_\_\_\_

(E. F.)  
Secretary.

C. D.  
*President.*

**SCHEDULE No. 5.**

**SUBPOENA.**

Province of Quebec, Board of notaries.

By the president, &c., (*as in the preceding form.*)

A. B. C., (addition, residence) greeting:

We enjoin you by these presents, that you and each of you, do appear in person before us, at our board, in the city of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ instant (or next,) at \_\_\_\_\_ o'clock \_\_\_\_\_ in the noon, to give your evidence and notify the truth of all you know of a complaint brought before us by \_\_\_\_\_ Esquire, syndic of the said board, against G. H., Esquire, and therein fail not under penalty of law.

Given at the city of \_\_\_\_\_ under the seal of the  
 said board, and the signature of one of our secretaries, this  
 day of \_\_\_\_\_ eighteen hundred  
 (L. S.) \_\_\_\_\_ F. E.,  
 Secretary.

## CAP. XXXIV.

An act to amend chapter 77 of the consolidated statutes of Canada, respecting land surveyors and the survey of lands.

[Assented to 24th December, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

C. S. C., c. 77,  
 s. 6, repealed.

Knowledge  
 required of  
 surveyors'  
 clerks.

Examination.

1. Section 6 of chapter 77 of the consolidated statutes of Canada is repealed ; and in future, no person shall be admitted as a surveyor's clerk unless he has previously undergone, before the board of examiners of surveyors, an examination with respect to his knowledge of the French or English language, according as the candidate is of French or English origin ; in the first instance the examiners shall require of him a knowledge of the elements and syntax of the French language, and his capacity of translating correctly from English into French ; in the second case a knowledge of the elements and syntax of the English language and his capacity of translating correctly from French into English ; in either case, candidates for the study of land surveying must be able to write correctly from dictation, each in his mother tongue ; and further no person shall be admitted as a surveyor's clerk, unless he possess a fair knowledge of the geography of the globe in general and of Canada in particular, nor unless he is well versed in vulgar and decimal fractions, the extraction of square and cube roots, the rules of proportion and progression, the elements of geometry and of plane trigonometry, the mensuration of superficies and solids, and the use of logarithms.

Id. s. 9,  
 amended.  
 Other know-  
 ledge requir-  
 ed of survey-  
 ors.

2. In addition to the matters required by section 9 of chapter 77 of the consolidated statutes of Canada, in the examination which every surveyor's clerk must undergo before being admitted to practise as a land surveyor, the candidate shall be examined and shall reply in a satisfactory manner, on the elements of mineralogy and botany, (on the forest flora of Canada in particular,) on the mode to be pursued in conducting a *bornage*, on all questions referred to in this act, and in chapter 77 of the consolidated statutes of Canada, on the investigation of titles to pre-

perty, and generally on all fundamental questions of law connected with the admeasurement and bounding of land, before being entitled to the diploma specified in the ninth section aforesaid.

3. No member of the board of examiners of surveyors shall be permitted to prepare a student for undergoing the preliminary examination required for admission to the study of surveying. These members are only permitted to prepare their own clerks for undergoing the necessary examination to be admitted to practice; and the commissioner of crown lands, on satisfactory evidence, may dismiss from his functions any member of the board of examiners who may act in contravention of this enactment.

An examiner cannot prepare for admission to the study.

4. The privileges granted by section 17 of chapter 77 of the consolidated statutes of Canada, to those who have followed a course of study in a university, and have therein received their degree or diploma in the manner therein specified, are extended to those who have followed a regular and complete course in a college or school where surveying and civil engineering are taught, and who have received a certificate or diploma from the said college or school; provided that the said college or the said school has been previously approved for this purpose by the lieutenant-governor in council.

Privileges of universities extended to other colleges, &c.

5. The words "surveyors clerk" are substituted for the word "apprentice" wherever the latter occurs in chapter 77 of the consolidated statutes of Canada.

C.S.C., c. 77, amended.  
Name of the surveyor's clerk.

6. Hereafter, and notwithstanding the usage that may have prevailed in certain parts of the province, all the side lines of lots of land of regular form, in the townships of this province, shall be established and traced on the bearing or course of the exterior lines of the township whereof such lots form part, when they are parallel to the lines of such sub-divisions as set forth on the plan and in the description contained in the proclamation erecting such township.

Mode of establishing side lines.

7. When the exterior lines of a township are not parallel to the internal sub-division of the lots, the guiding line shall be the centre line drawn on the course or bearing of the side lines of the said lots, in each range which it affects, as set forth on the plan and in the description aforesaid.

Guiding lines in certain cases.

8. The said division lines shall be drawn on the said course or bearing from the posts or division pickets planted or established on the front of each range or concession.

Division lines

Front of a  
range.

9. The front of each range shall be understood to be the lowest range line in the series of numbers designating the several ranges of a township. Thus the front of the first range of a township shall be the division line which separates it from the township, seignior or river, upon which it rests; the front of the second range shall be the division line between the first and the second range; the front of the third range shall be the line between the second and the third ranges, and so on.

Front line,  
how referred  
in certain  
cases.

10. When the front of the first range happens to be a line on which no sub-division posts have been planted, (for the township which may be in question), or should it be formed by the shore of a lake or water-course, on which there is no post marking the said lots, the front line shall be referred to the range line next above the first, and the side lines of the lots shall be traced from the posts planted thereon, (or from those which have been lawfully substituted for them,) on either side in opposite directions, for the first and the second ranges, the front being common to both.

If the posts  
are destroyed.

11. If it happen, that at the same time, both on the front and rear lines of any range, the entire series of posts marking out the lots has been destroyed, either by lapse of time, or by fire, or from any other cause, the sub-division of such lots shall be made *de novo*, in conformity with section 47 of chapter 77 of the consolidated statutes of Canada, and with the official plan of the original survey, and the side lines of the lots in such range shall be established and drawn from the posts so planted, as above prescribed.

Limits of the  
lots.

12. These side lines thus established from the posts which mark out a lot on the front line of a range, and drawn parallel to the lateral lines or to the centre line of the township in which such lot is included, in conformity with the proclamation erecting such township, or with the plan annexed to the official description of the erection of the township, produced to meet the rear line of the said range, shall, together with the portion of such latter line, comprised between such side lines, and that part of the front line between the posts aforesaid, form the boundaries of the said lot.

Lines drawn  
according to a  
certain spe-  
cial system.

13. If before the passing of the present act the lateral lines of one or of several lots comprised in the range of a township should have been traced in accordance with the system adopted in certain parts of the province, from a post on one range line to the corresponding post on the range line immediately above or below, all the lots in the said range whose lateral lines remained to be drawn on

the ground shall be drawn in accordance with the same system, and on the same principle ; as the division lines between the said lots are not affected by the provisions of the present act.

**14.** The commissioner of crown lands, when he shall deem it necessary in the interests of his department, may exact from any provincial land surveyor, any certified copy of plans or minutes of any survey, which the latter may have performed at the request of any person ; and if such surveyor refuses to deliver certified copies thereof as requested, he shall be liable to the penalties set forth in section twenty-five of chapter 77 of the consolidated statutes of Canada. Copies of plans or minutes of survey may be exacted by the Com. C.L.

**15.** From and after the coming into force of this act, any provincial land surveyor who may be called upon to grant a certificate setting forth that the conditions of settlement required by the act 32 Vict., chap. 11, and by the regulations of the crown lands department, have been complied with, on any lot purchased from the crown, the purchaser whereof desires to take out letters patent therefor, shall grant such certificate in the form A, hereunto annexed. Certificate of the performance of the conditions required by 32 v., c. 11, &c.

**16** Any surveyor, wilfully inserting in the said certificate any untrue statement, may under and in virtue of the act hereinbefore cited, be condemned by the board of examiners to the loss of his diploma. Untrue statement in the certificate.

**17.** Any surveyor who, in any report of inspection or valuation respecting crown lands, whether vacant or held under location ticket, shall wilfully lead into error the commissioner of crown lands, or his representatives, by means of false information, shall be also liable to the penalties set forth in section twenty-five of the act aforesaid. False information given in any report of inspection or valuation.

**18.** After the word " government " in the third line of section twenty-six of chapter 77 of the consolidated statutes of Canada, are added the following words, " or a member of the legislature." C. S. C, c. 77, s. 26 amended.

**19.** Paragraph 5 of section 108 of chapter 77 of the consolidated statutes of Canada is hereby amended, by substituting the figure 5 in place of the figure 4, which occurs in the column of figures in the said paragraph. Id. s. 108 § 5 amended.

## FORM A.

I, the undersigned provincial land surveyor, certify that on the 18, I visited lot No. of the range of the township of, in the county of, where I ascertained that the purchaser M. or his (or her) representatives M. (or MM.) has (or have) been resident upon the said lot during the years last past, and that M. is at present in the locality, the recognized possessor of the said lot.

I further certify, upon inspection, that there are upon the said lot acres under cultivation, and that a habitable house occupied by the said or his (or her) representatives, the dimensions whereof are at least 16 feet by 20, has been erected on the same.

Signature, A. B.

Provincial Land Surveyor.

## CAP. XXXV.

An Act to amend the act of this province 38 Vict., chap. 29.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS by section four of an act of the legislature of this province, 38 Vict., chap. 29, intituled: "An act to amend chapter 18 of the consolidated statutes for Lower Canada," it was enacted that meetings for the election of church-wardens, for the rendering of accounts and for all purposes requiring a general parish meeting, in the five parishes civilly recognized by such act, should be composed of the old and new church-wardens and of persons elected in compliance with the ordinance of the bishop, to form the board or body of the *fabrique*;

And whereas it is advisable that such provisions should apply to all other parishes detached from, or which may hereafter be detached from, the old parish of *Notre-Dame de Montréal*, which are or may hereafter be formed, either in whole or in part, out of the territory of the said parish of *Notre-Dame de Montréal*, so that the mode of holding the said meetings be uniform throughout such parishes; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

38 v., c. 29, s. 4, shall apply to parishes to be erected. 1. The provisions of section four of the act of this province, 38 Vict., chap. 29, intituled: "An act to amend chapter 18 of the consolidated statutes for Lower Canada," and

which section reads as follows: "The meetings for the election of church-wardens, for the rendering of accounts and for all purposes requiring a general parish meeting, in these parishes, shall consist of the old and of the new church-wardens, and of the persons elected in compliance with the ordinance of the bishop, to form the board or body of the *fabrique*" apply and shall apply to all parishes, detached or which may hereafter be detached, which are or may hereafter be formed, in whole or in part, out of the territory of the old parish of *Notre-Dame de Montréal*, and are recognized as being lawfully binding therein; provided that in any case the church-wardens so elected, or the *fabriques* so constituted, shall not oblige or bind the parishioners to pay debts contracted by the said church-wardens or the said *fabriques*, without the previous consent of the said parishioners declared at a general parish meeting, duly called by a notice of at least eight days." Payment of debts.

2. The said meetings shall be convened by notice from the pulpit (*prône*) on the Sunday preceding that on which the meeting is held, and they shall take place at the hour and in the place mentioned in the notice. Meetings.

And whereas doubts have arisen respecting the validity of the elections of church-wardens held before the passing of this act, in certain parishes detached from the old parish of *Notre-Dame*, and it is expedient to remove such doubts, it is further enacted as follows:

3. All elections of church-wardens held before the passing of this act, in all parishes detached, in whole or in part, from the territory of the old parish of *Notre-Dame*, are hereby declared valid, and the church-wardens so elected duly possessed of all the powers and functions attached to the office of church-warden, whatever may have been the mode pursued in such elections. Elections of church-wardens already made declared valid.

4. Nothing in this act contained shall affect pending cases. Pending cases.

5. This act shall come into force the day of its sanction. Act in force.

## CAP. XXXVI.

An Act for the civil erection of several parishes cut off from the territory of the old parish of *Notre-Dame* of Montreal.

[Assented to 24th December, 1875.]

**W**HEREAS the civil erection, under chapter 18 of the Preamble consolidated statutes for Lower Canada, of the



parishes hereinafter named, and comprised within the old limits of the parish of Notre-Dame of Montreal, would be very costly and very difficult, owing to the large population of these parishes, to act in conformity with the said chapter 18 of the consolidated statutes for Lower Canada, and whereas it is necessary to civilly acknowledge the said parishes ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Erection of  
catholic  
parishes.

1. The parishes hereinafter described, erected for religious purposes, only by the ecclesiastical authority, with the limits and boundaries assigned to them by the canonical decrees respecting the same, are declared to be and are recognized as catholic parishes, as fully and to the same effect, as if they had been recognized, erected and ratified, for all civil purposes under chapter 18 of the consolidated statutes for Lower Canada.

St. Gabriel.

"1. The parish of St. Gabriel, erected by a decree of Monseigneur Ignace Bourget, Roman Catholic bishop of Montreal, dated December 10th, 1875, comprising the south eastern part of the parish of *St. Henri des Tanneries*, and bounded on the north by the Lachine canal, from the bridge crossed by the Grand Trunk railway to the actual limits of the city of Montreal, on the east by the said limits to the river St. Lawrence, thence, on the south, by the said river in following its upward course, up to the property actually occupied by J. H. Mooney excluded, on the west, by a boundary line starting from the said river from the Mooney property, passing through the centre of the highway called No. 1, following it upwards, thence passing to the west of the waterworks buildings, including the reservoir, and thence to the said bridge on the canal included.

St. Paul.

2. The parish of St. Paul, erected by a decree of the same bishop, dated December 10th, 1875, comprising the south-western part of the parish of *St. Henri des Tanneries*, part of the river St. Pierre, and part of the Côte St. Paul, and bounded on the south, by the river St. Lawrence, starting from the property actually occupied by J. H. Mooney included, and running upwards to the property of John Crawford included ; on the west, by the actual limits of the Lachine parish to the Lachine railway, on the north, from the property of Dame widow McNaughton excluded, by following the said railroad until its junction with the Côte St. Paul road, thence by a straight line crossing the Lachine canal, following then the south of the said canal, as far as the Grand Trunk railway bridge crossing the said canal ; thence, on the east, by a line running down to the river and which is to pass to the west of the waterworks buildings ; thence in the middle of a highway called No. 1, and thence, to the St. Lawrence river.

3. The parish of *Ste. Cunégonde* erected by a decree of the same bishop, dated december 11th, 1875, comprising the eastern part of the parish of *St. Henri des Tanneries*, and bounded on the south by the Lachine canal from Atwater street to the actual limits of the city of Montreal; on the east by the actual limits of the city of Montreal from the Lachine canal to Dorchester street; on the north by a line passing through the middle of Dorchester street, and extending from the limits of the city of Montreal to Atwater street; on the west by a line passing through the middle of Atwater street, and extending from Dorchester street to the Lachine canal. Ste. Cunégonde.

4. The parish of *St. Jean Baptiste*, erected by a decree of the same bishop, dated december 11th, 1875, comprising the southern part of the parish of *St. Enfant Jésus*, and bounded on the north by the Tanneries road, now called Mount-Royal; on the east by the centre of the Papineau road; on the south by the city of Montreal; on the west by the mountain or Mount Royal. St. Jean-Baptiste.

5. The parish of *Sacré-Cœur de Jésus*, erected by a decree of the same bishop, dated december 11th, 1875, comprising the northern part of the parish of *St. Bridget*, and bounded on the north by the present limits of the city of Montreal; on the east by the middle of Colborne street, going downwards till its junction with Logan street; on the south, by the middle of the said Logan street to Visitation street; thence, by a straight line supposed to be also the middle of Logan street, to Amherst street; on the west, by the middle of the said Amherst street in an upward direction to the aforesaid limits of the city. Sacré-Cœur de Jésus.

2. Nothing in this act contained shall have the effect of changing in any manner the limits of the city of Montreal, and of the various other municipalities in which such parishes are situated. Such municipalities shall continue to exist, with the same limits and boundaries, as if the present act had never been passed. Municipal limits, not changed.

3. Each parish so recognized is so, subject to the provisions set forth in the decree of erection which respects the same. Decree of erection.

4. Every parish which the ecclesiastical authority may erect for religious purposes, within the limits of the parishes of the ancient territory of Notre-Dame of Montreal, already dismembered and civilly recognized, or which are so by section one of this act, shall be a catholic parish, from and after the insertion in the *Quebec Official Gazette*, of a notice of the issue of the canonical decree which erects the same, and that as fully and with the same effects as if it had been recognized and rati- Recognizance of the parishes erected in the future.  
Notice required.

fied for all civil purposes, under chapter 18 of the consolidated statutes for Lower Canada, subject to the provisions of section two of this act, and to the provisions set forth in the decree of erection, which respects the same.

Meetings of  
the parishion-  
ers.

Payment of  
debts.

**5.** Meetings for the election of church-wardens, for the rendering of accounts, and for all matters which require the convening of a parochial meeting, in such parishes, shall be composed of the old and new church-wardens, and of persons elected in conformity with the ordinance of the bishop, to constitute the board or body of the *fabrique*; provided that in any case the church-wardens so elected or the *fabriqual* so constituted shall not have power to oblige or bind the parishioners to the payment of debts contracted by the said church-wardens, or the said *fabriques*, without the previous consent of the said parishioners declared at a general meeting of the parish duly convened after eight days notice.

Act in force.

**6.** This act shall come into force the day of its sanction.

## CAP. XXXVII.

An Act to annex certain islands in the parish of Sorel, county of Richelieu, to the parish of *la Visitation de l'Île du Pads*, in the county of Berthier, for parliamentary, municipal, school and registration purposes.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS certain inhabited islands situate at the south-west entrance of lake St. Peter, in the river St. Lawrence, are not included in the limits of the several surrounding parishes; and it is important to define the limits of the parish of *la Visitation de l'Île du Pads* and of the parish of *St. Pierre de Sorel*, situated respectively, the former in the county of Berthier, and the latter in the county of Richelieu, in such locality; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain  
islands an-  
nexed to the  
parish of *l'Île  
du Pads*.

**1.** The islands hereinafter named situated at the south-western entrance of lake St. Peter, in the river St. Lawrence, comprised within the limits of the parish of *la Visitation de l'Île du Pads* recognized by the proclamation of the lieutenant-governor of this province, bearing date the fourth day of June, 1875, that is to say: *l'Île des Plantes*, *l'Île Ducharme*, *l'Île Manon*, *l'Île à l'Orme*, *l'Île au Noyer*,

*l'Île Lamarche, l'Île à la Cavalle*, situate between *l'Île Madame, l'Île à l'Ours* and *l'Île du Pads*, and also the small islands and battures, comprised in the same territory, shall in future form part of the said parish of *la Visitation de l'Île du Pads* for the same purposes as those mentioned in the following sections.

2. The islands hereinafter named situate in the same place, that is to say, *l'Île du Nord, les Îles de la battures aux carpes, la Girodeau, l'Île Mitieu, la Grande Île, l'Île Latraverse, les Îles au Sable*, and all the small islands and battures, comprised in the territory included by the said islands hereinabove named and situated to the north thereof, and to the south of the islands à *l'Aigle* and à *la Grenouille*, shall in future form part of the said parish of *la Visitation de l'Île du Pads*, in the county of Berthier, for all municipal, school, electoral and other purposes.

Certain islands annexed to the same parish.

3. The islands hereinafter named situate in the same place, that is to say: *l'Île de Grâce, l'Île aux Corbeaux, l'Île à la Pierre, l'Île du Moine, l'Île des Barques, l'Île aux Raisins*, and all the small islands and battures comprised within the territory included by such islands, and situate to the south thereof, shall in future form part of the parish of *St. Pierre de Sorel*, in the county of Richelieu, for the same purposes as those mentioned in the preceding section.

Certain islands annexed to the parish of Sorel.

4. The division line of the counties of Berthier and Richelieu, in such locality of the parishes of *la Visitation de l'Île du Pads* and *St. Pierre de Sorel*, shall be as follows: from the limits of the parish of *Ste. Geneviève de Berthier*, the said line shall follow the ship channel in the river St. Lawrence, to the south of *l'Île St. Ignace, l'Île Madame, l'Île Ronde, l'Île à l'Ours* and *les Îles au Sable* extending to lake St. Peter, and to the north-western limits of the county of Maskinongé.

Division of the counties of Berthier and Richelieu

## CAP. XXXVIII.

An Act to detach from the county of Terrebonne, the part of the parish of Ste. Monique, situate in such county, and to annex the same to the county of Two Mountains, and to annex certain lands detached from the domain of the lake of Two Mountains, to the parish of St. Benoît, county of Two Mountains, for parliamentary, registration, municipal and school purposes.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Part of Ste.  
Monique an-  
nexed to the  
county of  
Two Moun-  
tains.

1. All that part of the parish of Ste. Monique, now in the county of Terrebonne, is detached from such county, and annexed to the county of Two Mountains, for municipal, school and registration purposes, and for parliamentary representation.

C.S.C., c. 2, s.  
1, and C.S.L.  
C., c. 75, s. 1,  
ss. 13, 14,  
amended.

2. Section one of chapter two of the consolidated statutes of Canada, and sub-sections thirteen and fourteen, of section one of chapter seventy-five, of the consolidated statutes for Lower Canada, shall be read and interpreted in-so-far as they apply to this province, in conformity with the preceding section of this act.

Municipal  
purposes.

3. The part of the parish, hereby annexed to the county of two Mountains, shall form part of the municipality of the parish of Ste. Monique, in the same manner and with the same effect as if such annexation had been made under the municipal code.

Part annexed  
to the parish  
of St. Benoît

4. The lot of land occupied by Moise Brayer *dit* St. Pierre, containing twelve arpents in width by thirty-two arpents in depth, extending at one end to the *trait-quarré* of the lands of côte St. Jean, in the said parish of St. Benoît, on the other to a proposed base line, or to the line of demarcation between the parish of the Annunciation and the said parish of St. Benoît, on the north-east side to the seigniorial domain, and on the south-west side to the *Baie* road, as also a lot of land of twenty-four arpents in front, owned as follows : nine acres in front, to Jean Baptiste Waddel, twelve arpents in front to Damase Boileau, and three arpents in front to Felix Angrignon, by thirty-two arpents in depth, the whole front of the said lot being upon the high road, bounded in rear by the *trait-quarré* of the lands of Côte St. Ambroise, or by the line of demarcation of the said parish of the

Annunciation, on the north-east side by Gatien Huseréau, and on the south-west side by the land of Basile and Magloire Bertrand, shall be and they hereby are annexed to the said parish of St. Benoît, in the county of Two Mountains, for all parliamentary, judicial, municipal, school and registration purposes.

5. The lots of land hereby annexed to the parish of **Municipal** St. Benoît, shall form part of the municipality of the **purposes.** parish of St. Benoît, in the same manner and to the same effect as if such annexation had been made in virtue of the municipal code.

### CAP. XXXIX.

An Act to detach from the county of Dorchester, a part of the parish of St. Anselme, situate in that county, and to annex it to the county of Bellechasse, for all parliamentary, municipal, school and registration purposes.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The whole of that part of the parish of St. Anselme, Part of St. Anselme annexed to the county of Bellechasse. called the "North-East of the Mountain" and divided into two ranges, whereof one is known as "range of St. Matthew" and the other as "range of St. Paul" the whole comprising an extent of territory of about thirty arpents frontage by about sixty arpents in depth, bounded as follows, to wit: towards the north-west by the boundary line which separates the said St. Paul concession from that styled "La Grillade" in the parish of St. Henri; towards the north-east, by the boundary line separating the said parish of St. Anselme from that of St. Gervais; towards the south-east by the boundary line separating the said concession of St. Matthew from that called St. Mark; towards the south-west partly by the line separating to the south-west the property of Ignace Morency from that of Jean-Baptiste Boutin, in the said concession of St. Matthew, and partly by the line which also to the south-west separates the property of Michel Morency from that of the said Jean-Baptiste Boutin, in the said concession of St. Paul; the said territory, as at present annexed to the parish of St. Gervais, county of Bellechasse, for religious purposes, is detached from the said county of Dorchester, and is annexed to the said county of Bellechasse, for municipal, registration and school purposes, and for the purpose of parliamentary representation

S. 1, of c. 2,  
C. S. C. and  
Ss. 42, 44, of  
s. 1, of ch. 75,  
C. S. L. C.,  
amended.

**2.** Section 1 of chap. 2 of the consolidated statutes of Canada, and sub-sections 42 and 44 of section 1 of chap. 75 of the consolidated statutes for Lower Canada, shall be read and interpreted, in so far as they apply to this province, in conformity with the preceding section of this act.

Municipal  
purposes.

**3.** The part of the parish of St. Anselme, in the said county of Dorchester, annexed by the present act to the county of Bellechasse, shall form part of the municipality of the parish of St. Gervais, in the same manner and to the same effect as if such annexation had been made in virtue of the municipal code.

Pending cases

**4.** Nothing contained in the present act shall in any way affect pending cases.

Act in force.

**5.** The present act shall come into force on the day of its sanction.

## CAP. XL.

An Act to annex certain parts of the territory of St. Maurice to the county of Champlain, for the purposes of representation in the legislative assembly, and for municipal and registration purposes.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Parts annex-  
ed to the  
county of  
Champlain.

**1.** All parts of the townships of Lejeune, Mekinac, Boucher and Polette, not comprised in the county of Champlain, and all the territory annexed to the district of Three-Rivers by the act of the legislature of this province, passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, chap. 18, are by the present act annexed to the county of Champlain, for the purposes of representation in the legislature of this province, and for municipal and registration purposes.

Act in force.

**2.** This act shall come into force on the day of its sanction.

## CAP. XLI.

An Act to annex certain portions of the township of Shawinigan, in the county of St. Maurice, to the parish of Ste. Flore, in the county of Champlain, for school, municipal and registration purposes, and for the purposes of parliamentary representation.

[Assented to 24th December, 1875.]

**W**HEREAS by proclamation of His Excellency, the Preamble.  
lieutenant-governor of the province of Quebec, bearing date the twentieth day of April, 1875, the portions hereinafter mentioned of the township of Shawinigan, in the county of St. Maurice, have been detached from the said township, and civilly annexed to the parish of Ste. Flore, in the county of Champlain; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. All the lots of the first range of the township of Shawinigan, to lot thirty-nine inclusive, all range A, and the piece of land known as the land of the late Ed. Greaves, situate between the rivers Shawinigan and St. Maurice, shall be, from and after the passing of this act, detached from the county of St. Maurice and annexed to the county of Champlain, for all school, municipal and registration purposes, and for the purposes of parliamentary representation, and shall form part of the municipality of the parish of Ste. Flore, to the end that the said municipality of the parish of Ste. Flore shall be bounded to the south-west by the parish of St. Mathieu de Caxton, which coincides with the south-west lateral line of *Cap de la Magdaleine*, to lot thirty-nine of the first range of the township of Shawinigan inclusively, from thence by the line which separates the thirty-ninth lot from the fortieth lot of the said first range, by the line which separates the said first range from the second range of the township of Shawinigan, to the river Shawinigan, and thence by the rivers Shawinigan and St. Maurice.

Parts annexed to the county of Champlain.  
Municipal purposes.  
Boundaries of the municipality of Ste. Flore.

2. This act shall come into force on the day of its Act in force.  
sanction.



## CAP. XLII.

An act to detach a certain portion of the county of Lotbinière and to annex it to the county of Beauce, for school, municipal and registration purposes, and for those of parliamentary representation, and to civilly erect the parish of St. Séverin.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS by a decree, dated the twentieth day of September, 1872, the Right Reverend Elzéar Alexander Taschereau, Archbishop of Quebec, was pleased to annex and erect, for religious purposes, the parish of St. Séverin, in the county and district of Beauce, including therein a portion of the seigniorie of Beaurivage, in the county of Lotbinière; Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

St. Severin  
recognized as  
a civil parish.

**1.** From and after the coming into force of this act, the parish of St. Séverin, thus erected by religious authority, shall be recognized as erected for all civil purposes whatever, and that in as full and complete a manner as if it had been erected under chapter 18 of the consolidated statutes for Lower Canada.

Limits.

**2.** The boundaries of the parish of St. Séverin are the following, that is to say: towards the south-east, partly by the line separating the said seigniorie of Linière from that of Fleury, from St. Jacques range to the township of Broughton, partly by the line separating the land of *sieur* Joseph Lacroix from that of *sieur* Bénoni Paré, in the first range of the said township, the land of George Henry Pozer, esquire, from that of *sieur* Rager Vachon, in the second range of the said township, the land of *Sieur* John Oryan from that of *Sieur* Ferdinand Laplante, in the third range also of the said township, the lot number five from lot number six, in the fourth range of the said township; towards the south-west, partly by the line which separates the said fourth range of the township of Broughton, from the fifth range of the said township, and partly by the line which separates the Ste. Catherine range from the St. Thomas and Ste. Marguerite ranges, in the said seigniorie of Beaurivage, from the said township of Broughton, to the line separating the land of *sieur* Patrick McShea from that of *sieur* Thomas Stephenson, in the said Ste. Marguerite range; towards the north-west, partly by the line which separates the lands of the said *sieurs* Patrick McShea and Thomas Stephenson, partly by the line which separates the range known as

Fermanagh's Hope from the range known as Egypt or Killarney, in the said seigniory of Beaurivage, partly by the line which separates the land of *sieur* Augustin Couture from that of *sieur* Michel Marcoux in the St. André range, in the said seigniory of Linière, partly by the line which separates the land of *sieur* Louis Lefebvre from that of *sieur* Auguste Couture, in the Ste. Anne range in the said seigniory, partly by the line which separates the land of *sieur* Jean-Baptiste Labbé from that of *sieur* William Boyce, in the St. Olivier range, also in the said seigniory ; towards the north-east by the line which separates the said St. Olivier range from the said St. Jacques range also in the said seigniory.

3. That portion of the parish of St. Séverin, situate in the county of Lotbinière, shall be detached from the county of Lotbinière, district of Quebec, and shall be annexed to the county of Beauce, and district of Beauce, for electoral, municipal, judicial, registration and other purposes.

Portion annexed to the county of Beauce.

4. The parish of St. Séverin aforesaid shall form a separate and distinct parish municipality, in the same manner and with the same effect as if it had been erected into a parish municipality, under the operation of the municipal code.

Municipal purposes.

5. The present act shall in no manner affect pending cases or proceedings.

Pending cases.

6. This act shall come into force on the day of its sanction.

Act in force.

### CAP. XLIII.

An Act to detach a certain part of the county of Bellechasse, and to annex the same to the county of Montmagny, for parliamentary, registration, municipal and school purposes.

[Assented to 24th December, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. All that north-east part of the township of Armagh, which extends from lot number one to lot number thirty, inclusively, in the first range, to the north-west of the river *du Sud*, and in the second and first ranges, to the south-east of the said river *du Sud*, and all that part of the township of Mailloux, which is to the north-east of

Portion annexed to the county of Montmagny.

the north-east range of the Mailloux road, comprising lots from number forty to forty-six, inclusive, of the first, second and third ranges, and lots from number thirty-four to forty-six, inclusive, in the fourth, fifth, sixth and seventh ranges, in the said township of Mailloux, are detached from the county of Bellechasse, and annexed to the county of Montmagny, for all parliamentary, registration, municipal and school purposes.

Municipal  
purposes.

2 The part so annexed to the county of Montmagny, shall, from and after the coming into force of this act, form part of the municipality of the township of Montminy, in the same manner and with the same effect, as if such annexation had taken place under the municipal code.

Act in force.]

3. This act shall come into force on the day of the sanction thereof, except in so far as regards parliamentary purposes, and for the said purposes this act will only come into force at the end of one year after the sanction thereof.

## C A P . X L I V .

An Act to divide the municipality of Newport, in the County of Gaspé, into two separate municipalities.

[Assented to 24th December, 1875.]

Preamble.

Considering that the council of the municipality of Newport, in the county and district of Gaspé, has prayed that an act be passed to divide such municipality into two separate municipalities, and that it is expedient to grant the prayer of the petition; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Division of  
the municipi-  
pality of New-  
port into two.

1. The municipality of Newport, for the future, shall cease to form one municipality, and shall be divided into two separate municipalities, which shall be known and described as follows : "municipality of Newport," and "municipality of Pabos."

Limits.

2. The municipality of Newport shall in future comprise the whole division of the township of Newport.

The municipality of Pabos shall comprise the seigniori of Pabos, as actually bounded.

Municipal  
code shall  
apply.

3. All the provisions of the municipal code shall apply to such municipalities, as also to the corporation and council of each of them, as if they had been separated in virtue of such code, save in so far as the same are incompatible with the present act.

4. A general election of municipal councillors shall be held in each of these municipalities, on the second Monday of the month of February which follows the coming into force of this act, at which election seven councillors shall be elected in the manner prescribed by the municipal code. <sup>Municipal elections.</sup>

The general elections, afterwards, in these municipalities, shall be held as in other local municipalities.

5. The by-laws, orders, rolls or municipal acts which governed the municipality of Newport, before the coming into force of this act, shall continue to be in force in each of such two municipalities, until they are repealed or amended by the council of the municipality. <sup>Old municipal acts</sup>

6. The present act shall come into force on the first day of January, eighteen hundred and seventy-six. <sup>Act in force</sup>

## CAP. XLV.

An Act to erect the village of Bagotville into a separate municipality.

[Assented to 24th December, 1875.]

WHEREAS the inhabitants of the village of Bagotville, in the county of Chicoutimi, have by their petition represented that the present population of the said village is four hundred souls, that such part of the township of Bagot has already, by order of the government, been laid out in park and village lots, with a view to subsequently becoming a separate and distinct municipality, and in view of the rapid extension of the said village, which further includes lots numbers 1, 2, 3, 4 of the fourth range north-east of the river *à Marse*, as also lots numbers 15, 16, 17 and 18 of the *Anse à Philippe* range, in the township of Bagot, to assimilate the said municipality to that already established for school purposes; and whereas it is requisite to establish certain by-laws to promote the interests of the said village and to favor its development, and whereas the inhabitants thereof have by their petition prayed that the said village be erected and constituted into a village municipality; and whereas it is expedient to grant the prayer of their said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: <sup>Preamble.</sup>

1. From and after the first day of February, 1876, the village of Bagotville, including therein lots numbers 1, <sup>Municipality of the village of Bagotville.</sup>

Names of the municipality and corporation. 2, 3 and 4 of the fourth range north-east of the river *à Marse* and lots numbers 15, 16, 17 and 18 of the *Anse à Philippe* range, in the said township of Bagot, county of Chicoutimi, shall form a village municipality separate and distinct from the municipality of Bagotville, the north-west portion of the township of Bagot, in which the said village is situate, under the name of "municipality of the village of Bagotville," and the inhabitants and rate-payers are hereby constituted into a corporation, under the name of "The corporation of the village of Bagotville."

Extent thereof. 2. The municipality of the village of Bagotville shall be composed of all that portion of the township of Bagot, divided into park and village lots and designated and known under the name of the "village of Bagotville," and further of the lots numbers 1, 2, 3 and 4 of the fourth range north-east of the river *à Marse*, and the lots numbers 15, 16, 17 and 18 of the *Anse à Philippe* range.

Election of the councillors. 3. The first general meeting of the election of councillors for the said municipality, shall be held at ten of the clock in the forenoon of the first Monday in March, eighteen hundred and seventy-six, and shall have the same effect as if it were held at the period mentioned in article 298 of the municipal code; but such election shall not have the effect of preventing the general election following taking place, as required by article 292 of the said code, and at the period therein specified.

Power to impose duties. 4. The municipal council of the said village may impose upon merchants and traders strangers to the said municipality and who trade there, such duties and taxes as the said council may deem expedient, and compel them to pay for their license the sum so imposed.

Municipal code shall apply. 5. All the provisions of the municipal code of the province of Quebec, and the acts which amend the same applicable to village municipalities, shall apply to the municipality of the village of Bagotville.

Division of the debts. 6. The movable property, assets and liabilities of the municipality of Bagotville, north-west portion of the township of Bagot, shall be divided between the said municipality and that of the village of Bagotville, in conformity with the said municipal code and the acts which amend the same; and the two municipalities shall equally benefit by the wharf within the limits of the said village.

Wharf.

Encroachments. 7. The municipal council of the village of Bagotville shall have the right to abate, remove and prevent all encroachments made or which shall hereafter be made

in and upon the lands that have been set apart for the opening of front and cross roads in the said village ; and any suit for such purpose shall be instituted, conducted and decided in virtue of the said municipal code and the acts which amend the same.

8. The bridge over the river à *Marse*, within the limits of the said village shall continue to be one-half, at the charge of the municipality of the said village of Bagotville, and of the municipality of Bagotville, and the other half at the charge of the municipality of *Grande Baie*. Bridge of the river à *Marse*.

9. This act shall come into force on the day of the sanction thereof. Act in force.

## CAP. XLVI.

An Act to amend the incorporation act of the town of Longueuil, 37 Victoria, chapter 49.

[Assented to 24th December, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The second section of the act of this province, 37 Victoria, chapter 49, is amended by striking out all the words comprised between the word "by" in the second line of the said section, and the word "and" in the ninth line of the same section, exclusively, and substituting therefor the following words : "the centre of the river St. Lawrence, to the north-east, partly by the land heretofore belonging to Adolphe Trudeau, by the lands of John Donnelley and Pierre E. Hurteau, Esq., and by part of the land of Joseph Dubuc, to the south-east, partly by the Gentilly road, and partly by the *trait-quarré* line of the first concession of lands in the seigniory of Longueuil, and to the south-west by the stream running along the south-west side of the line of the old track of the Grand Trunk Railway Company of Canada, heretofore forming the north-east division line separating the land heretofore belonging to Joseph Goguet, Esquire, from the former village of Longueuil." 37 V., c. 49, s. 2 amended. Limits.

2. The fourth section of the said act is amended by striking out the words "sign his name" in the second line of the first paragraph of the said section, and substituting therefor the words "read and write," and in like manner by striking out the words "write his name" at the end of the second and beginning of the third line in the second sub-section of the same section, and by substituting therefor the words "read and write." Id. s. 4 amended

Id. s. 9  
amended.

3. The ninth section of the said act is amended by striking out, in the second sub-section of the said section, all the words from the word "votation" in the fourth line thereof, to the end of the said sub-section, and adding after the said word "votation" in the said fourth line of the second sub-section of the said section, the words "all his municipal taxes or assessments, or other municipal rates then due."

Id. s. 26  
amended.

4. The twenty sixth section of the said act is amended by striking out the form of oath there given, and substituting the following therefor:

Oath of  
voters.

"You swear that you are a subject of Her Majesty, that you are entitled to take part and vote at this election, that you have, before the thirty days immediately preceding this day, paid all your municipal taxes and assessments or other municipal rates then due and payable; (if the oath is taken by a tenant) that you have resided and paid rent in the town of Longueuil for at least six months before this day," (if there is a list of the municipal voters) "that it is your name that is entered in the list of the municipal voters of the ward (east, centre or west as the case may be) of this town, that you have not received anything, nor has anything been promised to you either directly or indirectly, to vote at this election, and that you have not already voted at this election (for the mayor of the said town, or for a councillor for any ward thereof as the case may be.) So help you God."

Id. s. 30  
amended.

5. The thirtieth section of the said act is amended by striking out all the words in the said section after the word "act" in the fourth line of such section, and by substituting therefor the following words: "draw up under his signature, a certificate showing the total number of votes enregistered in the poll-book kept by him or by his poll clerk, and given to each of the candidates for mayor of the said town, or for councillor or councillors of a ward thereof, for which he shall act; which certificate shall be annexed to the said poll-book and form part thereof."

Id. s. 34  
amended.

6. The thirty-fourth section of the said act is amended by striking out after the word "prepared" in the sixth line thereof the words "on his poll-book and."

Id. s. 49  
amended.

7. The forty-ninth section of the said act is amended by striking out the word "a" after the word "to" in the second line thereof, and substituting therefor the word "any."

8. The fifty-third section of the said act is amended by adding after the word "open" in the fourth line of the said section the words "or take into consideration." Id. s. 53 amended.

9. The following section shall be, in the said act, inserted immediately after the fifty-third section thereof : 53a inserted.

"53a. The said council may exercise the powers conferred upon it by the two immediately preceding sections of this act, by a resolution of the said council adopted during their sittings authorizing the mayor of the said town, or councillor presiding at the time of the adopting of such resolution, to exact within such delay as may be fixed by such resolution, from any person having incurred any of the penalties mentioned in the said sections, the payment of such fine, the amount whereof shall also be fixed by such resolution, and in default of payment of the said fine, within the delay above mentioned, authorizing the said above-mentioned persons to sign and issue against such person having incurred the said fine, a warrant of imprisonment for the period fixed in the said resolution, which warrant shall be addressed to any policeman or constable, or to any peace officer of the said town and to the gaoler of the common gaol of the district of Montreal, or authorizing by the said resolution, the said mayor or presiding councillor to give effect, in the manner above prescribed, to both penalties at once, against the person having incurred the same." Payment of the fine.  
Imprisonment.

10. The following section shall be inserted immediately after the hundred and second section of the said act : S. 102a inserted.

"102a. For annual, general, or partial elections for mayor and councillors of the said town, the secretary-treasurer shall, within the fifteen days immediately following the last day allowed to municipal voters, whose names are inscribed on the list of such voters for each ward of the said town, to qualify themselves as such, as regards payment of their municipal taxes or assessments or other municipal rates, be obliged to make a copy of the said list for each ward of the said town, and he shall strike out from the said copy the name of any voter, appearing on such list as proprietor of any land, whose municipal taxes or assessments, or other municipal rates due and payable on the said day, appear on the collection roll of the said town as not having been paid on or before the said day; and such copies of the list thus corrected shall be sent to the various persons presiding over the election, in each ward of the said town entitled thereto, on the day of, and immediately before the voting ;" Revised copy of the list of voters.  
Transmission thereof.

2. The secretary-treasurer shall certify under oath to be taken before the mayor, or any councillor of the said town, or any justice of the peace for the district of Mont- Corrections certified.



If revised  
copies do  
not exist.

real, the accuracy of the corrections made by him as aforesaid on the copies of the said lists, and such copies shall alone be used for the municipal elections above mentioned ; provided, however, that if such copies of lists be not completed or prepared at the time of any municipal election aforesaid, no such election shall be thereby prevented, but in that case, the qualification of voters shall be established by the oath of the voter, and by the original list of municipal voters, for each ward of the said town, if such original list exists, or in default thereof, by the valuation roll of the said town then in force."

S. 156a in-  
serted.

Expropria-  
tion.

**12.** The following section shall be inserted immediately after the hundred and fifty-sixth section of the said act :

" 156a. When the proprietor of any land or part of a land which the said town council wishes to acquire, either to open or enlarge any street within the limits of the said town, or for any other useful public purpose whatever, shall refuse to sell by agreement, or when such proprietor is absent from the province, or when such land or piece of land belongs to minors, issue unborn, idiots, insane or interdicted persons, women under authority of their husbands, or to any corporation, the said town council shall have the power to obtain such land or piece of land by means of expropriation ;

Proceedings.

2. The said town council, upon such refusal, in case of refusal, or in the other cases above specified, on a resolution passed at any regular meeting of the said council, deciding that such land or piece of land shall be expropriated, shall notify, through its secretary-treasurer or any of its officers authorized for that purpose, before taking and entering into possession of any such land or piece of land, such proprietor, or the tutor or curator of such minor, unborn, idiot, insane or interdicted person, or the husband of the wife proprietor, or in the case of a corporation the president, secretary or other officer of such corporation, by notice served to any such person and placed postpaid, in the post office of the said town, or if the proprietor of such land or piece of land is absent from the province, by an advertisement to be once inserted one month previously in the English language in a newspaper published in that language in the district of Montreal, and in the French language, in a newspaper published in that language in the said district, that the said council shall, on such day which shall be fixed in the said letter of notification or advertisement, demand, from any judge of the superior court for Lower Canada, sitting in chambers in the district of Montreal, or from the said superior court, the nomination of three arbitrators, to make such expropriation. The appointment of one of such arbitrators may be made by the town council, the nomination of the second by the other party interested, and the judge of the said

Notices.

Arbitrators.

superior court, or the said court shall nominate, without any suggestion from any of the parties interested, the third of such arbitrators; and in the case in which the town council or the other party interested, does not suggest the name of any qualified person to be an arbitrator, at the time the demand for the appointment of arbitrators shall be made as aforesaid, then the judge or the court may of its own motion nominate two or all the arbitrators;

3. The persons appointed to act as arbitrators in any matter of expropriation, must be proprietors in possession of real estate in the town of Longueuil, (which real estate shall not be situate in the ward of the said town in which the improvement necessitating the expropriation is to be made,) entered in the last valuation roll in force in the said town, at a real value of at least one thousand dollars;

4. The said arbitrators shall, within eight days after having received special notice of their appointment as such, present themselves before the prothonotary of the said court, and subscribe before him an oath to well and truly perform the duties imposed upon them, as such arbitrators; and if the said arbitrators or any of them, shall make default to so present himself within the above-mentioned delay, before the prothonotary of the said court, or if having presented themselves, they refuse to take the oath above-mentioned, they shall then be liable to a penalty not exceeding one hundred dollars, recoverable by suit in the usual manner;

5. Within the fifteen days immediately after the day in which the three arbitrators shall have been sworn, as above-mentioned, the said arbitrators shall personally and together, visit the land or lands or portions of lands to be expropriated, and shall within the delay of twenty two days, from the day upon which they were sworn, make and transmit to the said judge or court, their report in writing, or their reports in writing if they do not agree, upon the amount at which they estimate the value of the land or lands or pieces of land to be thus expropriated, which report or the report of the majority of such arbitrators, if it is not contested within fifteen days immediately after the day of the giving of the notice hereinafter mentioned, of the deposit of the said report in the hands of the said judge or in the said court, shall be held and considered to be and shall be virtually, homologated;

6. Any proprietor, whose land or lands or pieces of land shall be expropriated, who shall consider himself aggrieved by the report of the said arbitrators or of the majority thereof, may within the fifteen days above mentioned, file before the said court an opposition to the said report, which should afterwards be served upon the said council, who shall appear and answer thereto within the ten days immediately after such service; and such oppo-

Proceedings. sition shall be subject to the same rules of procedure as ordinary actions for the same amount, and in such opposition the report of the arbitrators, or of the majority thereof, may be confirmed or amended by the said superior court ;

Notice of the report of the arbitrators. 7. Public notice shall be given by two advertisements drawn up in the English language, and inserted in a newspaper published in that language, in the district of Montreal, and by two advertisements drawn up in the French language, and inserted in a newspaper published in that

Deposit of the sum adjudicated. language in the aforesaid district, of the deposit of the report of the said arbitrators, or of the majority thereof, as also of the deposit made by the council of the town of Longueuil, of the sum at which the said arbitrators, or the majority thereof, shall have valued the said land or lands or portions of land to be expropriated ; and any creditors of any proprietor, whose land or portion of whose land shall have been thus expropriated, shall have a right to file within the said delay of fifteen days in the office of the prothonotary of the said court, an opposition for the payment of his claim, and may be contested or homologated in the same manner as ordinary oppositions *afin de conserver* ;

Opposition  
*afin de conserver.*

Taking possession. 8. Upon the deposit being made in the aforesaid place, by the town council, of the amount fixed by the report of the said arbitrators or of the majority thereof, as being the value of any land thus expropriated, the said town council shall have the right to enter upon and take possession of such land or portion thereof, as the proprietor thereof ;

Costs of expropriation. 9. In the case in which the arbitrators or the majority thereof shall by their report, declare, that the price at which a proprietor shall have offered to sell by agreement to the town council, the land or lands or portion thereof, forming the subject of expropriation for which they act, is not above the value of such land, the town of Longueuil shall then be obliged to pay the cost of such expropriation, including such fees as the court or judge shall allow the said arbitrators for their services ; in all other cases the court or judge shall decide as to who shall pay such costs, which may be recovered by an execution in the same manner as in ordinary actions ;

Indemnity, how paid. 10. The amount fixed to be paid for any land expropriated shall be paid out of the general funds of the town, if such expropriation is for public improvements in which the said town generally is interested ; but if such expropriation takes place for local improvements, by which only a portion of the said town benefits, the price of such expropriation shall be borne by the proprietors of the lands situate in the vicinity of the place in which such improvement takes place and within such radius as the council shall determine ; and such amount, in the

first case, shall be included in the annual general or special tax levied by the said council, and in the latter case, it shall be divided among the parties interested, according to the actual value of their respective real estate;

11. No street shall be widened and no new street shall be opened by means of expropriation, unless such improvement shall have been demanded by a majority of the proprietors interested." Demand required.

13. The hundred and fifty-eighth section of the said act is amended by adding after the words "may be" in the second line thereof, the words "unless it is otherwise provided by some special provision of this act." S. 158, of 37 V, chap. 49, amended.

14. The hundred and sixty-first section of the said act is repealed and is replaced by the following: S. 161 replaced.

"161. The said town council shall have full power and authority to cause to be opened and maintained during winter, a road on the river St. Lawrence, to communicate with the city of Montreal. The expenses of opening and maintaining such road shall be borne by the corporations of the city of Montreal, of the county of Chambly, and of the town of Longueuil, in the following proportions, half of such expenses shall be paid by the city of Montreal, three-eighths of the said expenses shall be paid by the county of Chambly, and one eighth of the said expenses shall be paid by the town of Longueuil." Winter road on the river. Costs of maintenance, by whom paid.

15. The hundred and sixty-third section of the said act is amended, by striking out all the words in the said section immediately after the words "above mentioned" in the eighth line thereof. S. 163 amended.

16. All the foregoing provisions of the present act form part of the act of the legislature of this province, 37 Victoria, chapter 49, incorporating the village of Longueuil as a town, shall take in the body of the said act, chap. 49, the places assigned them by this act, may be cited under the numbers given them, and shall apply to the same subjects as the provisions for which they are substituted, or to which they are added, or which they amend, and shall in general have the same force or application as the said act, 37 Victoria, chapter 49. Citation and application of the acts of incorporation.

17. The present act shall come into force on the day of its sanction. Act in force.

## CAP. XLVII.

An act to amend the act twenty-seventh Victoria, chapter twenty-three, entitled: "An act to incorporate the town of Joliette."

[Assented to 24th December, 1875.]

Preamble

**W**HEREAS the "mayor and corporation of the town of Joliette" have by their petition represented that the act twenty-seventh Victoria, chapter twenty-three, intituled: "An act to incorporate the town of Joliette," should be amended; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

27 V., c. 23, s. 1, amended.

**1.** The first section of the said act is amended by striking out the words "mayor and" at the end of the fourth and beginning of the fifth line.

S. 3 amended.

**2.** The third section of the said act is amended by striking out in the first line the words "from time to time," and substituting therefor the words "in the month of January in each year," and by adding further to the said section, the following sub-sections:

Election of councillors.

"Of the seven councillors to be elected in the month of January next, two shall be replaced in the month of January, 1877, two shall be replaced in the month of January, 1878, the three others shall also be replaced in the month of January, 1879, and so on in January in every subsequent year, so that two councillors shall be elected two years in succession, and three councillors every third year.

Selection by lot.

"The councillors to be replaced in the months of January, in the years 1877 and 1878, shall be chosen by lot, in the council during the sitting thereof, in the month of December preceding the month fixed for the said election; in default of so doing, the lots shall be drawn by the officer presiding at the election, in presence of the municipal electors at the opening of the election."

S. 4 amended.

**3.** The fourth section of the said act is amended by adding after the word "members," in the third line, the words "of the parliament of Canada and members."

S. 5 replaced.

**4.** The fifth section of the said act is repealed and the following substituted therefor:

Right to vote.

"The persons who shall have the right of voting at any municipal election and at all meetings of electors of the said town of Joliette, shall be those whose names have been regularly inscribed upon the list of parliamentary electors

in force at the time of the said election or meeting, and who <sup>List.</sup> have all the qualities required by the Quebec election act, to vote at an election of a member of the legislative assembly of this province; and the said list of parliamentary electors made for the said town of Joliette, shall be at the same time the list of municipal electors of the said town, to all lawful intents, provided always that no person qualified to vote at a municipal election in the said town shall have the right to have his vote recorded if he has not paid his municipal and school taxes due before such election, and this under a penalty of twenty dollars, and it shall be lawful for any candidate at such election to demand the production of the receipts establishing the payment of such taxes due as aforesaid."

**5.** Section seven of the said act is amended by striking <sup>S. 7 amended.</sup> out in the second line, the words "in the month of January every second," and substituting therefor the following "in the manner hereinabove established, on the second Wednesday in January in each."

**6.** Section eight of the said act is amended, <sup>S. 8 amended;</sup>  
**1.** By striking out in the ninth line the words "seven councillors," and substituting therefor the words "the number of councillors who are to be elected;"  
**2.** By striking out in the tenth line the word "seven;"  
**3.** By striking out the fourth subsection thereof and substituting the following:  
 "Every councillor shall remain in office until replaced."

**7.** Section ten of the said act is amended by adding <sup>S. 10 amend-</sup> the following thereto: "provided also that it shall be <sup>ed.</sup> lawful for the said council to accept the resignation of any councillor, when the reasons given in support thereof are found to be sufficient."

**8.** Section twenty-one of the said act is amended by <sup>S. 21 amend-</sup> striking out the last seven words and substituting therefor <sup>ed.</sup> the following: "every year."

**9.** The twenty-third section of the said act is amended <sup>S. 23 amend-</sup> by striking out in the third line the word: "six," and <sup>ed-</sup> substituting therefor, the word "four."

**10.** Section twenty-four of the said act is amended: <sup>S. 24 amend-</sup>  
**1.** By striking out in the sixteenth line the words "exces- <sup>ed.</sup> sive valuation," and substituting therefor: "unjust valuation and one not proportionate to the valuation of other properties;"  
**2.** By adding in the twenty-first line thereof after the words "presiding councillor," the following: "and also the assessors whenever the said council shall deem it necessary to call upon them;"

3. By striking out in the twenty-first line the words "or alter" and substituting therefor the words "increase or diminish ;"

4. By striking out in the twenty-fourth line the words "two years," and substituting the following therefor : "one year, and the roll shall remain in force until such time as another has been made."

S. 28 replaced **11.** Section twenty-eight is repealed and the following substituted therefor :

Mayor and  
councillors  
are justices of  
the peace.

"The mayor and councillors of the town shall, during their continuance in office, be justices of the peace for the said town, provided always that they shall not be bound to take any other than the official oath of office, to act as such, any law to the contrary notwithstanding."

S. 30 amend-  
ed.

**12.** Section 30 of the said act is amended by striking out in the eleventh and twelfth lines, the words : " the Lower Canada consolidated municipal act and its amendments," and by substituting therefor the following : " the municipal code of the province of Quebec and its amendments."

Ss. 26a, b, c,  
d, e, added to  
s. 33.

**13.** Section 38 of the said act is amended by adding thereto, immediately after sub-section twenty-six, the following provisions :

Water-works.

"26a. To make by-laws for the protection and management of all water-works, public wells or reservoirs which may have been established, built under the provisions of the preceding sub-section, to prevent the public water from being dirtied or wasted, or in contravention of such by-laws, to restrain the use thereof, according as circumstances may require, in the opinion of the said council ; to prohibit all persons from giving water to, or allowing the taking it by, whom the said corporation had taken away the same as hereinafter provided, and to impose a penalty upon any infraction of any of the said by-laws."

Special tax.

"26b It shall be lawful for the said council, with a view of meeting the interest upon moneys expended for the establishment or construction of such water-works, public wells or reservoir, and to create a sinking fund, to impose upon all proprietors or occupants of any immoveable property in the said town, whether such proprietor or occupant makes use of the said water or does not do so, an annual special tax not exceeding one-quarter of a cent on the dollar of the value, according to the valuation roll then in force, of such immoveable property, house, store or other similar building, and the land upon which it is built, which taxes shall be levied and collected under the same obligations and rules, and in the manner provided for the collection of the general taxes of the said town ,

Collection.

but such annual special taxes shall not be payable until the said council shall have given notice to such proprietor or occupant of such immoveable property, or to the proprietors of such stocks of goods, that it is ready at its own cost to bring the said water in or near such real property, store, house or other building; it shall be lawful for the said council irrespective of, and in addition to, such annual special tax to provide for the payment by all persons making use of such water, of a compensation based upon such tariff or scale as shall be fixed by the said council; provided always that the said town council shall have the power to compel the payment of such compensation by all proprietors, tenants or occupants, whether such water is used by them or not and this so soon as the said council shall have notified such proprietor, tenant or occupant that it is ready to bring at its own cost the said water to the house occupied by such proprietor, tenant or occupant and the proprietor of any habitation, house or store, with one or more tenants, sub-tenants or occupants, shall be liable for the payment of such compensation, if he refuses or neglects to give to each such tenant, sub-tenant or occupant a separate and distinct distributing pipe, and it shall further be lawful for the said council to enter into special arrangements with the parties interested, to furnish such water to any person whomsoever outside the limits of the said town, provided that they conform to the by-laws of the said town concerning the management of such water-works, public wells or reservoir, and also to supply the said water for the use of steam-engines, breweries, distilleries, tanneries, manufactories, mills, livery-stables, hotels or any other special cases."

Notice.

Compensation.

Right of the council.

" 26c. It shall be lawful for the said council to stop the supply of water, to any person refusing or neglecting to pay such annual special tax or the said compensation for the use of the said water, and of all persons wasting such water, or using the same contrary to the by-laws of the said town, or refusing to admit, as hereinafter provided, into his house or upon his property, the officers appointed by the said council for the administration and supervision of the said water-works, public wells or reservoir, and such person shall nevertheless continue to be responsible for the said arrears of taxes and obliged to pay the same, and shall be also obliged to pay all such annual special tax as aforesaid, which shall become due in the future, as if such person made use of the water; and the said council shall not be responsible for the quantity of water to be supplied under the present section, and no person shall, on account of the insufficiency of the supply of the said water, refuse to pay such annual special tax, or such compensation for the use of the water as aforesaid."

Power to stop the supply of water.

Quantity of water.

" 26d. The said council may appoint such officers as they may deem necessary, for the management of such water-works."

Officers for the management of the water works.



works, public wells or reservoir, and such officers shall have the right to enter into any house or building whatever, or upon any property in the said town, and outside of the said town, to ascertain that the public water is not lost, and whether the by-laws of the said council concerning such water-works, public wells or reservoir, are faithfully executed, from eight o'clock A. M., until six o'clock P. M., and it shall be the duty of all proprietors or occupants of any such house, building or property, to allow the said officers to visit such house, building or property as aforesaid, under the penalty of being deprived of the use of the water, during all such time that they do not permit or prevent such visit of such officers, and in addition under a penalty not exceeding twenty dollars, or imprisonment not exceeding one calendar month."

Admission,  
of the officers  
in the houses.

Power of the  
council to  
transfer its  
rights.

"26e. And it shall be lawful for the said town council to transfer by by-law to that effect, its rights and powers hereinabove enumerated, with reference to the water supply of the said town, to any person or company desirous of undertaking the same, provided that such person or company shall not increase the rates to be levied by virtue of the provisions of this act, on persons obliged to receive the water, which rates the said town council shall establish by the said by-law."

S. 35 amend-  
ed.

**14. Section thirty-five of the said act is amended :**

1. By adding in the fourth line of the second subsection after the words: "so in arrears" the following: "residing in the said town of Joliette ;"

2. By adding after the said second sub-section and, as forming part thereof, the following :

Report of the  
sec.-treas. as  
to certain ar-  
rears.

"As to persons residing outside the said town, the secretary-treasurer shall report to the council in writing the amount of taxes due by them, with the property affected by such taxes, and the said council may order any such persons to be sued in the ordinary manner before the circuit court of the district of Joliette, for the recovery of such taxes according to the procedure usually followed in the circuit court, but, at the end of the eight days which follow the judgment, execution may issue ;"

Ss. 4, 5, and  
6, inserted.

3. By striking out at the end of the third subsection, all the words after the word "manner," in the twelfth line thereof ;

Power of the  
bailliff.

4. And by adding as sub-sections 4, 5 and 6, the following :

"4. The bailiff entrusted with the execution of such warrant shall be invested with all the powers conferred by article 965 of the municipal code ;"

Opposition.

"5. Within the three days which follow the seizure made under a warrant as above mentioned, any party interested may oppose the sale to be made under the said seizure ;"

Deposit in  
such case and

"6. All oppositions to annul to be received, shall be accompanied by a deposit sufficient to cover the amount

claimed and the costs to be incurred by the council, in case such opposition be not maintained; and no opposition to withdraw shall be received unless the opposant first pays, saving his lawful recourse, the amount due, together with the costs up to the date of the said opposition; the allegations of all such oppositions shall be attested on oath taken before a judge, or the clerk of the said circuit court; it shall be served upon the secretary-treasurer of the corporation and other parties interested, if there are any, and shall be returned without delay, before the said circuit court. Within the three days after the signification of any such opposition, the corporation and all other parties interested shall appear and declare, without it being necessary to compel them to do so, by a rule, whether or not they intend to contest the opposition produced; they shall file at the same time their contestation with reasons in support thereof, if any they have, after which one day's notice will suffice to inscribe the opposition so made for proof and hearing; and such oppositions, as well as the actions to be brought before the said court, in virtue of section thirty-five as amended by this act, shall be summarily heard and decided at any time and even between the tenth of July and the first of September, without it being necessary to wait for the regular term of the said court."

**15.** Section thirty-seven of the said act is repealed and the following substituted therefor: S. 37 of said act, amended.

"37. The secretary-treasurer shall, at the end of the three months next after the making of his collection roll, report in writing the persons still indebted to the corporation, with the amount due by each, the lands upon which such arrears are due, the date of any judgment rendered in the circuit court in suits or oppositions; and the reasons preventing the recovery of the said arrears. Report of the persons indebted.

"Upon such report the said council may order the sale of all or any of the said lands, at a time to be fixed by the said council. The secretary-treasurer shall publish such sale in the official gazette of this province, and in another newspaper published in the said town of Joliette, or in the nearest place thereto, if no newspaper is published in the said town, by a notice specifying the day, hour and place of the sale, and in separate columns the name of each proprietor, the description of each land, and the amount due, and notifying all hypothecary or privileged creditors, to file their oppositions *afin de conserver*, in the event of its being necessary so to do, in his office, within the fifteen days next after such sale; such notice shall be published twice, the last publication shall be at least one month before the day of sale; and shall in addition be published in the said town of Joliette as prescribed by section seven of the said act of incorporation. Sale of lands.

"On the day fixed, the sale of the said lands shall be made by the secretary-treasurer to the highest and last By whom made.

bidder for cash, and a title to the property in the said land, signed by the mayor and secretary-treasurer, shall by this latter be furnished to the purchaser (*adjudicataire*) within the fifteen days next after the said sale.

Adjournment  
of the sale.

"If at the end of the sale there remain some lands unsold through there being no bidders, or because the purchase price shall not have been paid in cash by the *adjudicataire*, the secretary-treasurer shall adjourn the said sale to another day, within eight days, and shall recommence the sale of such lands on the day so fixed by him, and this for the same purposes and with the same authority.

Council may  
bid upon.

"The town council may bid upon any land, through the mayor or any other councillor specially authorized to that purpose.

Proceeds of  
the sale.

"The secretary-treasurer shall, out of the proceeds of the sale, retain the amount due for taxes and costs by each proprietor, or other person bound for the payment of the said taxes and costs, on account of the lands thus sold, and such sum shall be entered by him in his books, in discharge of the said taxes and costs, and shall form part of the funds of the said corporation; And in all cases, in which there is a surplus, immediately after the sale the secretary-treasurer is bound to procure from the registrar, a certificate of the hypothecs and privileges affecting the immoveable sold, and which have been registered, up to the day of sale; and he shall make a return of such sale to the superior court, in the district of Joliette, as soon as possible after the expiration of fifteen days from such sale, and he shall transmit to the said court at the same time the said certificate and such oppositions as may have been filed with him, and proceedings shall be had upon such return in the same manner as on the return made by a sheriff of any sale by him made; and the surplus shall remain in the hands of the secretary-treasurer, until a copy of the judgment of distribution shall have been transmitted to him, and he shall then pay over such surplus as ordered by the said judgment.

Effect of the  
sale.

"The sale so made shall have all the effect of a forced sale and cannot be annulled except in the manner and for the reasons for which a sheriff's sale may be annulled."

Fees.

"A tariff of the fees payable to the secretary-treasurer shall be made by the council."

S. 45 amend-  
ed.

**16.** Section forty-five of the said act is amended by adding thereto the following subsection:

Right to  
borrow.

"Notwithstanding the provisions of the preceding subsection, the said town council may, however, contract a loan to the amount of forty thousand dollars, with a view of constructing waterworks, public wells or a reservoir for supplying the said town with water; but such loan can be contracted only after having obtained the approval of the majority proportionately to the value of the real estate

Approval.

of the electors of the said town to be taxed for such purpose, by a by-law authorizing such loan, within the thirty days after the passing thereof by the said council, such approval shall be expressed in a general meeting, presided over by the mayor, or in his absence by the pro-mayor, the secretary-treasurer acting as secretary, and duly called by advertisement signed by the mayor or the secretary-treasurer, published and posted in the manner provided by section seven of the said act; provided always that any six qualified municipal electors present at the said meeting may demand the holding of a poll to establish such majority, and on such demand the holding of such poll shall be granted by the mayor, or in his absence by the pro-mayor, and shall be held immediately after such demand, the secretary-treasurer acting as poll clerk, under the direction of the mayor or pro-mayor as the case may be; each elector shall present himself in his turn, and shall give his vote by "*yea*" or "*nay*" the word "*yea*" signifying that he approves of the said by-law, and the said word "*nay*" signifying that he disapproves of the said by-law, but the vote of no person shall be received unless he has all the qualities required for a municipal elector, provided always that such poll shall be held during two consecutive days, not being non-judicial days, from the hour of ten in the morning to the hour of four in the afternoon, and at the close of the poll, the mayor or pro-mayor, as the case may be, shall sum up the "*yeas*" and the "*nays*," and at the next following sitting of the said council he shall submit a statement showing the value of the immoveable property of each of the voters according to the rolls then in force, and shall certify for the information of the said council, if the majority in value of the real property of the electors of the said town approve or disapprove of the said by-law, and such certificate signed by the mayor or pro-mayor, as the case may be, and countersigned by the secretary-treasurer shall, by this latter, be kept with the poll-list and the said statement, among the archives of his office, and if the said by-law is approved as aforesaid, then the said town council may after having by resolution ratified the approval of the said by-law and having published it in the ordinary manner, effect the said loan.

**17.** This act shall form part of chapter 23 of 27th Victoria, 1863, intituled: "An act to incorporate the town of Joliette," and shall come into force immediately after it shall have been sanctioned.

## CAP. XLVIII.

An Act to amend the Act 22 Victoria, chap. 106, incorporating the Town of St. John.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

S. 3 of 22 v.,  
c.106, amend-  
ed.      **1.** Section 3 of the act 22 Vict., chap 106, is amended by substituting the word "twelve" for the word "eight" in the fourth line.

S. 7 replaced.      **2.** Section 7 of the said act, is wholly repealed and replaced by the section following :

Municipal  
elections.

"The municipal elections of the said town shall take place in the month of february of each year, and shall be announced at least eight days before the nomination of the candidates, by a notice published in a french journal and an english journal of the said town, and posted up on the church doors and on public squares in the said town. The nomination of candidates shall take place eight days before the voting.

If there are  
only two can-  
didates nomi-  
nated.

"If at the time of the nomination of candidates for the election of february, 1877, there are only two candidates nominated for any one ward, the person presiding over the election shall at the meeting declare such two candidates elected for such ward, and if at the time of nomination at subsequent elections, only one candidate is nominated for such ward, the person presiding shall, at the meeting, declare such candidate elected for such ward. When at the nomination, more than the number of candidates hereinabove prescribed are nominated for any ward, the person presiding over the election shall grant a poll, and the voting shall take place eight days after the nomination, in the manner prescribed by the said act, 22 Vict., chap. 106."

If there are  
more than  
two.

§ 4 of s. 8,  
replaced.

**3.** Subsection 4 of section 8 is repealed, and the following substituted therefor :

Time of the  
office of the  
mayor and  
councillors.

"The mayor shall be elected for one year, until his successor replace him, and the councillors elected at any of the municipal elections shall remain in office for three years, except those who shall have been elected at the first election after the passing of this act, of whom four shall retire from office at the expiration of the second year; and it shall be declared by lot in the manner established by the council, which of the councillors shall retire from office at the end of the said second year."

4. Subsection 5 of section 9 of the same act is amended, § 5, s. 9, by substituting the word "seven" for the word "five." <sup>amended.</sup>

5. Sub-section 2 of section 10 is repealed, and replaced § 2 s. 10, replaced. by the following :

"In case of the death, absence from the town or absolute incapacity from acting as such, of the mayor or any councillor, a new election shall be held to replace such mayor or councillor unable to act as such, and in case of the resignation of the mayor, the council shall have the right to judge, accept or regulate such resignation, for which reasons must be given; and such election to replace such mayor or councillor, who has become unable to fulfil his duties as such, shall take place within one month from the date of the inability of such mayor or councillor, except in the case of absence from the town, and in this latter case the election shall be held at the end of three months, instead of one month as aforesaid. And such election shall take place by the majority of the councillors, who shall appoint from among the inhabitants of the town, another person to replace such mayor or councillor, who is absent or has become unable to act as such, and such person may be chosen from among the members of the council, or from among the electors qualified and capable of being elected mayor or councillors, as the case may be." <sup>Vacancies.</sup>

5. The council shall, at its first general meeting and every three months during the year, choose among its members and elect a person to be pro-mayor for three months; and such pro-mayor, in the absence of the mayor, shall have the same powers and shall exercise the same municipal functions. <sup>Pro-mayor. His powers.</sup>

6. The twenty-second section of the same act is amended by repealing sub-sections 3, 4, 5 and 6, and substituting for them the following sub-section : <sup>§§ 3, 4, 5 and 6 of s. 22, replaced.</sup>

"The secretary-treasurer shall furnish security not exceeding one thousand dollars, for every five thousand dollars of the city revenue; such security may be represented by a guarantee policy of assurance." <sup>Security of the sec.-treas.</sup>

7. The twenty-third section of the same act is amended by adding the words "or more" in the second line, after the word "three" and by adding the following words at the end of the said twenty-third section: "and it shall be the duty of the secretary-treasurer to notify the said assessors of their appointment within eight days after their appointment." <sup>§§ 3, 4, 5 and 6, of s. 23, replaced. Duties of the sec.-treas.</sup>

8. The twenty-seventh section of the same act is amended by adding the following words: "It shall be the duty of the secretary-treasurer to notify the said <sup>§ 27, amended. Duties of the</sup>

sec.-treas. auditors of their appointment, within eight days next after their said appointment. And such auditors, within the thirty days next after their appointment, shall take the oath prescribed in the twenty-seventh section of the said act. And on the refusal by the persons named as auditors to act as such, they shall incur a penalty not exceeding twenty dollars for each refusal."

Auditors.

S. 34 amend-  
ed. 9. The thirty-fourth section of the same act is amended by wholly repealing the second sub-section and by striking out the following words from sub-section seven, in the eleventh line thereof: "carters and livery stable keepers" and substituting therefor the following words: "and on all horses or vehicles of any kind kept for pleasure, use, work or hire."

Rates on cer-  
tificates of  
licenses. 10. The council shall have the power to establish the rates payable on certificates of licenses for taverns or houses of public entertainment at any sum not exceeding one hundred dollars, and any existing law contrary to the present provision shall not have effect within the limits of the town of St. Johns. This provision shall extend to permits granted to houses known as temperance houses.

Time for pe-  
titions, limit-  
ed. 11. No petition to obtain a certificate to keep a tavern or house of public entertainment shall be granted by the council, after the general meeting in the month of April.

Publication  
of the lists of  
demands. 12 Within the eight days which shall precede the meeting above mentioned, the secretary-treasurer shall publish in the two english and french newspapers of the said town, a list of the persons applying for certificates to keep a tavern or house of public entertainment, at the same time notifying the public to present and support their objections to the granting of such certificates to the applicants. The preceding provisions shall not apply to transfers of licenses.

§ 29 of s. 35,  
replaced. 13. The thirty-fifth section of the same act is amended by striking out the whole twenty-ninth sub-section and substituting the following therefor: "The council may tax the proprietors of real estate to the amount of the sum or sums that may at any time be necessary to defray the expense of building or repairing any public drain, in any public street or highway in the town of St. John, immediately in front of such real estate respectively. The cost of the construction or repair of any public drain shall be borne, one-third by the corporation, and the other two-thirds by the rate-payers of the street in which such drain is constructed or repaired. In the case of the diameter of any public drain exceeding two feet,

Drainage, &c.

Taxes.

the cost of such excess shall be borne wholly by the corporation."

14. Any law to the contrary notwithstanding, the corporation of the town of St. John shall be entitled to take, buy or sell shares in regularly incorporated industrial or railroad companies; to borrow or to contract a debt to the extent of one hundred thousand dollars, for the following purposes: for the construction or repair of public drains, street improvements, the purchase of water works or public bridges, or for any other purposes which the council may deem necessary.

Right to buy  
and borrow,  
limited.

15. No by-law passed in virtue of the preceding section shall have any force or effect until it shall have been approved by the majority in number and by the value of the assessed real property of the electors being proprietors in the said town, within the thirty days after the passing of such by-law. This approbation shall be expressed in a public meeting presided over by the mayor, or, in his absence, by the senior councillor of the said town, the secretary-treasurer acting as secretary, and duly called by notices signed by the mayor or by the secretary-treasurer, published and posted up in the manner prescribed for the publication and posting up of the public notice required by the provisions of this act, for the publication of by-laws; provided always, that six qualified municipal electors present at the said meeting, may demand a poll to establish such majority; and a poll shall be granted by the mayor, or, in his absence, by the presiding councillor, on being so demanded, and shall be held within four days next after such meeting, the secretary-treasurer acting as poll clerk under the direction of the mayor or of the presiding councillor, as the case may be. Each elector shall then present himself in turn and shall give his vote by "yea" or "nay"; the word "nay" signifying that he disapproves of the by-law; but no person's vote shall be received unless the name of such person be inscribed on the municipal voters' list then in force, if such list exists, and if there be no such list, no person shall be entitled to vote unless it appears, by the valuation roll then in force in the said town, that he is duly qualified to vote as municipal elector, and unless he has paid all his municipal taxes, at least three clear days before the day of such voting; provided always, that such poll shall be held during one day, being a juridical day, from ten o'clock in the morning until four o'clock in the afternoon. At the close of the poll, the mayor, or the presiding councillor, as the case may be, shall count the "yeas" and the "nays," and within four days thereafter, he shall lay before the town council, a statement showing the value of the real pro-

Approval.

Poll.



Certificate.

party of each of the voters, according to the valuation roll then in force, and shall certify, for the information of the town council, whether the majority in number and value of assessed real property of the electors of the town approve or disapprove of the said by-law. This certificate shall be countersigned by the secretary-treasurer of the town, and preserved by him with the poll list and the aforesaid statement among the archives of his office, and if the said by-law is approved of as aforesaid, the said by-law shall have full force and effect.

Limits.

**16.** The east side of Longueuil street, from St. James street, and thence to its end towards the south, shall for the future be comprised within the limits of the east ward of the town of St. John.

Power to acquire bridges, &amp;c.

**17.** The corporation of the town of St. John shall have the power to acquire the bridges built in whole or in part within the said city, or which cross the Richelieu river in front of the said town.

Drains already constructed.

**18.** The corporation shall be entitled to tax the owners of real estate, situate immediately opposite the drains already constructed in St. James, St. Charles and Champlain streets, in the said town, up to an amount not exceeding two-thirds of the cost of such drains, provided that the diameter thereof does not exceed two feet.

Taxes.  
Proviso.

## CAP. XLIX.

An Act to amend the Act of this Province, 38 Vict., cap. 79, entitled: "An act to incorporate the City of Hull."

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS "the mayor and the aldermen of the city of Hull" have by petition represented that the act of this province, 38 Vict., chap. 79, entitled: "An act to incorporate the City of Hull," should be amended, and whereas it is just to grant the demand contained in the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Interpretation of the act 38 V., c. 79.

**1.** In order to remove all doubt on the interpretation to be given to the said act, it is declared that the said corporation of the city of Hull is separated from the county of Ottawa for municipal purposes, save for the business commenced before the incorporation of the said

city of Hull, in which the mayor of the said city of Hull shall have the same position, and the same rights as the mayors of the other municipalities of the county of Ottawa, and as if the said act of incorporation had not been passed.

2. Section 10 of the said act is repealed, and the following is substituted therefor: S. 10 repealed and replaced.

"The persons who shall have the right to vote at the municipal elections of the said city, shall be the freeholders of the full age of twenty-one years, in usual possession of real estate in the said city of the value of two hundred dollars, or of the annual value of twenty dollars, and also tenants of twenty-one years of age whose names are on the valuation roll, at the time of the election, as paying a rent of not less than twenty dollars yearly for the premises occupied by them respectively, which qualification shall be established by the valuation roll, which it shall be the duty of the council to amend and complete every year; provided always that any person having the right to vote at such municipal election in the said city, shall not vote, unless he shall have paid before the first day of voting, all the municipal and school assessments then due, and any candidate at any such election or the chairman of the same may require the production of the receipts for the payment of such assessments due as aforesaid; and each and every elector shall vote in the ward in which his property or lease hold is situated, and at the poll held for such ward, and in favour of the candidates duly nominated for such ward. Electors must be of the male sex."

Right to vote  
Payment re-  
quired.  
Production of  
receipts.  
Place of vota-  
tion.

3. Section 11 of the said act is amended by adding at the fifth line after the words, "in the french and english languages" the following words: "in the english language in an english paper, if such english paper exist within the limits of the said city, and in the french language in a french paper, if such paper exist within the limits of the said city."

S. 11 amend-  
ed.

4. Section 14 of the said act is amended by adding at the beginning of the said section the words: "The nomination of candidates for the office of alderman, shall take place in each ward at nine o'clock in the forenoon," and by substituting in the second line for the words, "from nine of the o'clock in the forenoon," the words: "from ten o'clock in the forenoon."

S. 14 amend-  
ed.

5. Section 15 of the said act is repealed, in so far as it relates to the hour of the "nomination of candidates for the office of alderman."

S. 15 amend-  
ed.

S. 16 amended.

6. Section 16 is amended by adding at the tenth line after the word, "shall," the following words: "immediately after having received the poll-books."

S. 19 amended.

7. Section 19 of said act is amended in striking off in the eighth and following lines to the end of the section, the words: "and the said alderman shall make a proclamation of the person elected, in the same manner, at the same hour, and in the same place, as the registrar for the first election."

S. 65 amended.

8. Section 65 of the said act is amended by adding the following words at the end of the said section: "but the said council shall at least once a year proceed to the revision of the said roll in the manner, and after having given notice as provided by law for the making and homologation of the valuation roll in force previous to such revision, and such revision and homologation shall be made in such manner as to be completed on the first day of august, of each year."

Revision of the roll.

Right of appeal to the circuit court.

9. An appeal shall lie to the circuit court from any decision of the council of the said city of Hull, with reference to any valuation roll, *procès-verbal*, expropriation of property, or any other matter or thing with regard to which any party shall deem himself aggrieved; the decision of the court shall be binding upon all parties. Such appeal shall be prosecuted in the manner provided by sections 1064 to 1079 inclusive of the municipal code relative to appeals from decisions of county councils.

S. 68 amended.

10. Section 68 is amended by striking off at the tenth and eleventh lines the words "such meeting," and in substituting therefor the words: "the date of the notice."

§§ 82, 83, 84, and 85, replaced.  
School taxes.

11. Sections 82, 83, 84 and 85 of the said act are repealed, and the following section substituted therefor:

"Every school tax or assessment, in the city of Hull, shall be payable by the occupant of the land assessed, whether he holds the same as tenant or otherwise, if there be such occupant, and in default of such occupant, by the proprietor.

Commissioners.

The common school commissioners and the trustees of dissentient schools are authorized to impose, levy and collect, on any occupant of land, or any proprietor in the absence of such occupant, any assessment or tax for the support of their respective schools, without taking into consideration the title to the property under which such occupant holds.

Levy of taxes.

Every school tax or assessment shall be imposed and levied on and collected from all occupants of land, in the same proportion and according to the same rules, as

it now is from proprietors under the common school law, and the same shall be done by the board of commissioners or the board of trustees, according as such occupant falls within the jurisdiction of one or other of such boards.

No tax or assessment for school purposes shall be imposed, levied or collected, from any proprietor in respect of any real estate, already assessed, taxed or rated in the name of the occupant of such real estate.

In the case of the real estate taxed, assessed or rated belonging to a proprietor, who falls within the jurisdiction of a school board different from that which has jurisdiction over the occupant, such tax or assessment upon such real estate, shall not convey a hypothec upon the real estate so assessed, taxed or rated, but merely upon the rights and improvements of the occupant. And this provision shall take effect even for the current year."

12. This act shall come into force the day of its sanc- Act in force.  
tion.

C A P. L.

An Act to incorporate the City of Sherbrooke. •

[Assented to 24th December, 1875.]

**W**HEREAS the provisions of the municipal code do not <sup>Preamble.</sup>  
meet the present requirements of the town of Sherbrooke ;

And whereas it has become necessary that more ample provisions should be made for the internal government of the said town ;

And whereas the inhabitants of the said town are desirous that the same should be constituted a city and have a special act of incorporation ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The inhabitants of the said town of Sherbrooke, as here- Corporation  
inafter described, and their successors, shall continue to be, continued.  
and are hereby declared to be, a body politic and corporate, by  
the name of "The corporation of the city of Sherbrooke," and Name.  
by that name, they and their successors shall have perpetual  
succession, and shall have power to sue and be sued, to  
implead and be impleaded in all courts and in all actions,  
causes, and suits at law whatsoever ; and shall have a common  
seal, with power to alter and modify the same at their General  
pleasure ; and shall, in law, be capable of receiving by powers.  
donation, of acquiring, holding and parting with any property,  
real or moveable, for the use of the said city ; of becoming  
parties to any contracts or agreements in the management of  
the affairs of the said city, and of giving or accepting any  
notes, bonds, drafts, obligations, judgments, or other instru-  
ments or securities for the payment of, or securing the

## Loan.

payment of, any sum of money borrowed or loaned, or for the execution of any other duty, right or thing whatsoever; and for borrowing any sum of money required for any purpose within the jurisdiction of the council of said city, either upon the debentures of the said city, to be issued and executed as hereinafter provided; or by hypothecating the immoveable property of the city for that purpose.

## Engagements of the town, continued.

2. All by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the municipal council of the said town of Sherbrooke, as heretofore existing, shall continue to have full force and effect; as though such by-laws, ordinances, agreements, dispositions and engagements had been passed and agreed to by the council of the said city of Sherbrooke, as hereby constituted, until such time as such by-laws, agreements or engagements shall be formally rescinded, abolished or amended by the council of the said city, or fulfilled; and the said corporation, as continued by this act, shall succeed and be substituted for all purposes whatsoever, in the engagements, rights, debts and obligations of the corporation of the said town of Sherbrooke, as now existing under the municipal code.

## Obligations of the town, transferred to the city.

## By-laws of the town, &amp;c., continued.

3. The by-laws, orders, rolls and municipal acts, which governed the territory heretofore constituting the said town of Sherbrooke, before the passing of this act, shall continue in force until they are amended or repealed by the city council to be hereinafter chosen; and the mayor and councillors of the said town of Sherbrooke, as now existing, shall remain in office until the elections, which are to take place under this act, have taken place; and all the municipal officers of the said town of Sherbrooke, as now existing, shall continue in office until their successors are chosen or appointed, under the provisions of this act.

## Limits of the city.

4. The boundaries and limits of the said city of Sherbrooke, shall be those of the present town of Sherbrooke as defined, by proclamation on the 28th day of June, eighteen hundred and fifty-two, of His Excellency the Governor-General of the late province of Canada; but the said city of Sherbrooke shall be divided into four wards; known as the north ward, the south ward, the east ward and the centre ward, bounded as follows: North ward to comprise all that part of the said city lying north of the river Magog and west of the river St. Francis; South ward to comprise all that part of the said city lying south of King street and west of the river St. Francis; East ward to comprise all that part of the said city lying east of the river St. Francis; and the Centre ward to comprise all that part of the said city lying north of King street and between King street and the river Magog and St. Francis.

## North ward.

## South ward.

## East ward.

## Centre ward.

## Councillors.

5. There shall be elected, at such time as shall be fixed by this act, seven fit persons, who shall be and be called the

"Councillors of the city of Sherbrooke," and such councillors for the time being shall form the council of the said city and shall be designated as such, and shall represent, for all purposes whatsoever, the corporation of the said city of Sherbrooke ;

2. Of the said councillors, two shall be elected for the North ward, one for the South ward, one for the East ward, and three for the Centre ward, the said seven councillors shall as hereinafter provided, elect one of their number as mayor, and the said mayor shall be designated "The mayor of the city of Sherbrooke."

Number of  
councillors  
for each ward.

Mayor.

6. No person shall be capable of being elected mayor of the said city of Sherbrooke, unless he be possessed, as owner of real estate within the said city of the value of one thousand dollars after payment or deduction of his just debts.

Qualification  
of mayor.

No person shall be capable of being elected a councillor of the said city, unless he shall have been a resident of the said city for one year immediately preceding such election, nor unless he be possessed as owner, either in his name or in his wife's name, of real estate within the said city, of the value of six hundred dollars, after deduction of his just debts.

Of the coun-  
cillors.

2. No person shall be capable of being elected councillor of the said city of Sherbrooke, unless he be a natural born or naturalized subject of Her Majesty, and of the full age of twenty-one years.

Persons who  
may not be  
councillors.

3. No person being in holy orders nor the ministers of any religious belief whatever, nor the members of the executive council, nor judges, district magistrates, sheriffs, or clerks of any court of justice, nor officers on full pay in Her Majesty's army or navy, nor any person accountable for the revenues of the said city, nor any other person receiving any pecuniary allowance from the said city for services, nor any keeper of a tavern, hotel or house of public entertainment nor any person who has acted as such, within the twelve months, preceding, nor any officer or person presiding at the election of the councillors, while so employed, nor any person who shall have been convicted of treason or felony in any court of law within any of Her Majesty's dominions, nor any person having directly or indirectly, in person or through his partner, any contract whatever, or interest in any contract with or for the said city, shall be capable of being a councillor for the said city.

Idem.

4. Provided however that no person shall be held incapable of acting as mayor or councillor for the said city, from the fact of his being a shareholder in any incorporated company which may have a contract or agreement with the said city.

Proviso.

5. The following persons shall not be obliged to accept the office of councillor of the said city nor any other office to be filled by the council of the said city :—members of the provincial legislature, or of the parliament of the dominion, practicing physicians, surgeons, and apothecaries, schoolmasters actually engaged in teaching, persons over sixty years of age, and the members of the council of the said

Exemption  
from office.

city at the time of the coming into force of this act or who have been so the two years next preceding, or members of the said city council, and the person who shall have filled any of the offices under such council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office during the two years next after such service or payment.

**Right to vote.** 7. The persons entitled to vote at the municipal elections of the said city shall be of the male sex of the age of twenty-one years, and possessed at the time, either in their own name or that of their wife, of real property in the said city of the value of two hundred dollars; and also the male tenants of the age of twenty-one years, who shall have resided in the said city and paid rent during the year immediately preceding an election, on a dwelling house or part of a dwelling house, or other real property therein, at the rate of not less than twenty dollars per annum, and the qualification in all cases referred to in this act, shall be determined by the valuation roll then in force in said city.

**Proviso.** 2. Provided always, that no person qualified to vote at any municipal election in the said city shall have the right of having his vote registered unless he shall have paid his municipal taxes due, before offering to vote at such election; and it shall be lawful for any candidate at the said election, and for the person presiding over the said election, to require the production of the receipts setting forth the payment of such taxes, as aforesaid, before registering such vote, and in case the same is not produced, such vote shall not be registered, unless such person make oath before the person presiding at such election that he has paid such taxes.

**Time of elections.** 8. The municipal elections for the said city, under this act, shall be held on the second monday in the month of january of each year, at nine o'clock in the morning, and public notice thereof shall be given at least eight days previous to such election, in the french and english languages, by notices posted up at the doors of the churches, and at other places which may be determined by the council of the said city, by resolution for that purpose, and the said notice shall be signed for the first election under this act, by the then mayor of the town of Sherbrooke, and shall specify the day, place and hour upon which the said election for the said city shall take place; and for all the following elections the said notice shall be signed by the mayor or secretary-treasurer of the said city, and shall also specify the day, places and hour upon which the said elections are to take place.

**Presiding officer at the election.** 9. Before the publication of the notices announcing such election, the present council of the town of Sherbrooke, for the first election to take place on the second monday of the month of january next, and afterwards the council of the said city, for the following elections, shall appoint a presiding officer for each of the wards within which an election

is to be held to preside at and to conduct such election, and to specify in the said four wards of said city, the place where the same shall be held in the several wards of the said city; such presiding officer shall appoint a poll clerk for his ward, where an election is to be held, under his own handwriting, and the poll shall be open for the reception and registration of votes, when a poll is demanded, from ten of the clock in the forenoon until five of the clock in the afternoon, of the day appointed for such election.

1. Provided however that the election shall not have taken place by acclamation; and at such election each elector shall be entitled to vote for the councillor or councillors to be elected in the ward in which such elector is entitled to vote, and each elector shall be entitled to vote in each ward where he is a qualified elector; and, at the closing of the poll in any ward, the officer presiding at such poll shall declare the person or persons who shall have received the largest number of votes, to be duly elected members of the said council; and in case two or more candidates have received an equal number of votes, the said officer shall be entitled to vote—but in this case only, and he shall then give his casting vote in favor of the candidate or the candidates, whom he shall think fit to choose, and he shall have the right to give such casting vote and shall be bound to give the same, immediately after the votes shall have been counted;

Voting.

Persons elected.

Case of equality of votes.

2. If at any time after the votes have commenced to be polled, one hour elapses without any vote being polled, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected as councillors as aforesaid, such candidates as shall be entitled to be so declared elected; provided that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which notice shall have been given to the person presiding;

Duty of the person presiding in certain cases.

3. The mayor shall be elected by the council for one year only, (but he shall be eligible) for re-election, and remain in office until his successor shall have entered in charge: the councillors elected at any of the municipal elections shall remain in office during three years, except those who shall be elected at the first election, of whom two shall retire at the expiration of the first year, and two at the expiration of the second year, and three at the expiration of the third year, and it shall be declared by lot, in the manner established by the council, which of the councillors shall thus retire from office, at the end of the first and second years;

Duration of the office of mayor.

4. The subsequent annual elections of councillors for the said city shall take place in the same manner and within the same delays as the first;

Subsequent elections.

5. Before proceeding to the holding of any election under this act, the presiding officer and his deputies and poll clerks shall take the following oath, which any justice of the peace is hereby empowered to administer;—to wit:

“I do solemnly swear that I will, to the best of my judgment and ability, faithfully and impartially perform the duties of presiding officer (or of deputy presiding officer or

Oath of presiding officers and poll clerks.



"poll clerk) at the election which I am about to hold (or which is about to be held) of a person or persons to serve as councillors for the said city of Sherbrooke. So help me God."

Powers of  
presiding  
officers.

6. The persons who shall preside at an election, in the several wards where elections are being held, shall, during such election, be guardians of the peace, and shall be invested with the same powers for the preservation of the peace and the apprehension, imprisonment, and holding to bail, of persons charged with violations of the law and breakers of the peace, as are vested in justices of the peace, and this, whether the said persons do or do not possess the property qualification of a justice of the peace, as required by law; and it shall be lawful for the presiding officer and his deputies at an election, to appoint special constables in sufficient numbers to preserve peace at such election, if he or they shall think it necessary, or be required to do it by five electors;

Hotel keepers  
&c., bound to  
close.

7. Every hotel, tavern and saloon keepers shall close their bars during the days of voting under a penalty of fifty dollars, or imprisonment in the common jail for three months in default of payment;

Penalty.

Notice to  
elected.

8. The presiding officer at any such election, shall, within three days from the closing of the election, give each of the councillors so elected special notice of his said election, as well as of the place, the day and the hour appointed by him for the first session of the council to take place after the said election, which shall be not more than eight days from the giving of the notice. The councillors so elected shall enter respectively into office as such, at the said first meeting, and shall remain in office until the appointment of their successors;

Entry and  
duration of  
office.

Delivery of  
poll books to  
secy.-treas.  
&c.

9. The person so presiding at any such election, shall deliver up immediately to the secretary-treasurer of the city council, if there be such officer, and, if not, then, as soon as such officer shall be appointed, the poll-books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said council; and copies of the same, certified by the secretary-treasurer, shall be authentic in any court of justice;

First session  
of council  
after first  
election.

10. The first session of the council, after the first election, shall take place within eleven days immediately following such election, and at such meeting or prior thereto, the councillors elected shall take the following oath before a justice of the peace:

Oath of  
councillors.

"I (A. B.) do solemnly swear faithfully to fulfil the duties of member of the city council of the city of Sherbrooke, to the best of my judgment and ability. So help me God!"

Quorum.  
Election of  
mayor.

12. And the members then present, provided they form a majority of the council, which number shall constitute a quorum under this act, shall be authorized to act as the council, and shall immediately proceed to elect one of their number as mayor: and the members absent, without just cause, shall be held to have refused office and shall be liable to the fine

hereinafter provided for in like cases, unless they be persons exempt from serving;

13. The councillors elected at the elections subsequent to the first, shall enter into office upon receiving notice from the presiding officer as aforesaid, and upon taking the oath aforesaid, and a meeting of the council shall take place within eleven days after, in the same manner as after the first election, and the councillors elected shall take the same oath, and those absent without just cause, shall be held to have refused the office, and shall be liable to the penalty hereinafter provided in such case, unless they be persons who are exempted from serving;

Session after subsequent elections.

14. The expense of every election shall be defrayed out of the funds of the corporation.

Election expenses.

10. The general sessions of the council of the city of Sherbrooke shall be held on the first monday in each month at such hour as shall be fixed by resolution of the council, and in case the said first monday, shall be a holiday, then the session shall be held on the next following juridical day at the hour fixed for other general meetings.

Time of general sessions.

11. It shall be lawful for the mayor of the said city, whenever he shall deem it necessary or useful, to call special meetings of the said council, and whenever two members shall be desirous of obtaining such special meetings, they shall apply to the mayor to call such meetings, and in the absence of the mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the secretary-treasurer of the said council their object in calling such special meeting and the day on which they are desirous that it shall be held, and the said secretary-treasurer shall, upon receipt of such written notification, communicate the same to the other members of the council, and shall give public notice of the same, and no other business shall be transacted at such meeting, except the business mentioned in such notice.

Special meetings.

Business transacted.

12. In any case in which one of the persons so elected shall refuse to act as councillor, or in case his election shall be declared null, the electors of the ward for which such election is necessary, shall proceed to a new election and elect a person to replace the said councillor within one month after the said refusal shall have been made known.

Case of refusal to act.

2. In case of the death of a councillor, or in case of his absence from the city, or incapacity, sickness, or any other cause, during two calendar months; the other councillors, at the first meeting of the council which shall take place after such decease, or at the expiration of the said period of two months, shall declare the seat of such councillor to be vacant and a new election shall immediately take place in the ward represented by such person for the purpose of filling such vacant seat in the usual way; provided that notwithstanding the decease, absence or inability to act, of the said councillor, the remaining councillors shall continue to exercise the same powers, and fulfil the same duties which they would have had

Vacancies.

to exercise and fulfil, had not such decease, absence or inability to act, on the part of the said councillor, taken place.

Councillors  
elected in  
place of  
others.

3. Every councillor elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Oath of per-  
son presiding  
at election.

13. Before any person shall proceed to hold an election in conformity with this act, he shall take the following oath, which any justice of the peace is hereby authorized to administer, that is to say :

"I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of presiding officer at the election which I am about to hold of a person (or persons) to serve as members of the city council of the city of Sherbrooke. So help me God."

His powers  
and duties.

14. The officers presiding at any election under this act, shall have authority, and are hereby required, at the request of any persons qualified to vote at such election, to examine upon oath (or affirmation, when the party is allowed by law to affirm), any candidate for the office of member of the said council, respecting his qualification to be elected to the said office, and shall also have authority, and are hereby required upon such request as aforesaid, to examine upon oath (or affirmation) any person tendering his vote at any election, and the oath to be administered by the presiding officers in both cases, shall be in the form following :

Voter's oath.

"You shall true answer make to all questions put to you by me, in my capacity of presiding officer respecting your qualification to be elected a member of the city council (or respecting your qualification to vote at this election—as the case may be.) So help you God."

Questions.

2. And the presiding officer shall himself put the questions when he shall think necessary, but in no case shall the presiding officer at any ward have the power to refuse or reject the nomination of any person duly nominated, or to refuse to record the votes cast for such candidate, and the fact that the person was sworn shall be entered in the poll-book.

Contestation  
of elections.

15. If the election of all, or of one or more of the councillors be contested, such contestation shall be conducted and decided according to the provisions of the municipal code, except in so far as the same is provided for, in and by the following section.

Failure of  
annual elec-  
tion.

16. In case it shall at any time happen that an annual municipal election shall not be held for any reason whatever, on the day when, in pursuance of this act, it ought to have been held, the said city council shall not, for that cause, be deemed to be dissolved, and it shall be lawful for such members of the said council as shall not have retired from office, to meet again, for the purpose of fixing as early as possible a day for the holding of such annual municipal election ; and

in such case, the notices and publications required by this act, shall be published and posted up, not less than eight clear days before the election, and if, within fifteen days after the day in which such election ought to have been held, the members of the said council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each. Penalty.

17. The mayor of the said city, if he be present, shall preside at the meetings of the council, shall maintain order thereat and shall have a right to express his opinion, but not to vote on all questions which shall be brought before the said council; provided always, that when the said councillors, after having voted on any question, shall be found to be equally divided, then and in that case only, the mayor shall decide the question by his vote, giving his reasons for it if he thinks proper; and neither the mayor nor the councillors shall receive any salary or emoluments from the funds of the city during the time they shall remain in office; provided also, that whenever the mayor shall not be present at any regular or special meeting of the said city council, the councillors present shall choose one of their number to fill the place of the mayor during the sitting. Duties of the mayor.  
  
Casting vote.  
  
Absence of mayor.

18. The council, at its first general session, or at a special session held within the fifteen days which shall follow the first day of such general session, shall appoint an officer who shall be called the "secretary-treasurer." Secretary-treasurer.

2. The secretary-treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the council; he shall attend all sessions, and shall enter, in a register kept for the purpose, all the proceedings of the council, and he shall allow persons interested therein to inspect the same at all reasonable hours, and every copy or extract of or from any such book or register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper certified by such secretary-treasurer shall be deemed authentic. His duties in general.  
  
Authenticity of his certificates.

3. Every person appointed secretary-treasurer shall, before acting as such, give such security as shall be fixed and determined by the council; provided such security shall be hypothecary or by a guarantee company. His security.

4. The secretary-treasurer of the council shall receive all moneys due and payable to the corporation; and he shall, after having been authorized to that effect, by the council or by the mayor, be bound to pay out of such moneys all drafts or orders drawn upon him by any person thereto authorized by this act, for the payment of any sum to be expended or due by the corporation, whenever thereunto authorized by the said council; but no such draft or order shall be lawfully paid by the said secretary-treasurer, unless the same shall show sufficiently, the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby. Receives and pays over moneys.  
  
Proviso.

**Their oath.** "I (A.B.) having been appointed to the office of auditor of the city of Sherbrooke, do hereby swear that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do declare that I have not directly or indirectly, any share or interest what- ever in any contract or employment with, by or on behalf of the city council of the said city of Sherbrooke. So help me God."

**Their duties.** **24.** It shall be the duty of the auditors to examine, approve or disapprove of and report upon all accounts which may be entered in the books of the said council or concerning the latter, and which may relate to any matter or thing under the control of, or under the jurisdiction of, the said city council, before the annual municipal elections.

**Persons who cannot discharge such duties.** **25.** Neither the mayor, councillors nor secretary-treasurer of the said city, nor any person receiving any salary from the said council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of auditor for the said city.

**Mayor is a justice of the peace.** **26.** The mayor of the said city shall, during the period of his office, be a justice of the peace within the limits of the said city; provided always that he shall not be bound to take any other oath than the official one to act as such, any law to the contrary notwithstanding.

**Persons who cannot serve as councillors** **27.** Every person holding the office of councillor of the said city, who shall be declared bankrupt or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a judge, district magistrate or clerk of any court of justice, or a member of the executive council, or who shall become responsible for the revenues of the city, in whole or in part, or who shall make any contract with the said corporation to execute, work or furnish supplies, or who shall absent himself from the said city without the permission of the said council for more than two consecutive months, or who shall not be present at the meetings of the said council for a like period of two consecutive months, shall, by virtue of any of these causes, become disqualified, and his seat in the said council shall become vacant, and such person shall be replaced in accordance with the provisions of this act; provided always that the word "judge" employed in any part of this act, shall not apply to a justice of the peace.

**Proviso.**

**General power to make by-laws.** **28.** It shall be lawful for the said city council from time to time to make such by-laws as may seem to them necessary or expedient for the preservation of order at the sittings of the council, for the internal government of the city, for the

improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares and vacant or occupied lots, for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with or affecting the internal management or government of the said city.

**29.** It shall be lawful for the said city council to appoint, remove and replace, when they shall think proper, all such officers, constables and policemen as they shall deem necessary for the due execution of the laws and by-laws now in force or to be by them enacted hereafter; and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet, to ensure the due execution of their duties.

Power to name officers, &amp;c.

Their security.

**30.** In order to raise the necessary funds to meet the expenses of the said city council and to provide for the several necessary public improvements in the said city, the said city council shall be authorized to levy annually on persons, and on moveable and immoveable property in the said city, the taxes hereinafter designated, that is to say:

To levy taxes;

2. On all lands, city lots and parts of city lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding two cents on the dollar on their whole value, as entered on the assessment roll of the said city;

On lands, &amp;c;

3. On all stocks in trade or goods kept by merchants or traders and exposed for sale on shelves in shops or kept in vaults or storehouses, a tax of not more than one quarter *per cent*, on the estimated average value of such stock in trade, and in case any person or persons shall come temporarily into the said city to dispose of any bankrupt or other stock of goods, wares and merchandize, either at public auction or at private sale, the said council may, by resolution passed as soon as convenient, after the same shall come to their knowledge, levy on such person or persons a license fee of not less than twenty dollars, and not more than fifty dollars, for the sale of said goods so brought into the said city and exposed for sale therein, such duty to be payable by such person or persons on demand being made therefor by the secretary-treasurer, and if not paid when demanded, the same may be collected by distress warrant issued under the hand and seal of the mayor or pro-mayor, immediately after such failure to pay, and said goods may be attached and shall be held for the payment of the same;

Stocks;

License;

Recovery of duties in certain cases;

4. On each tenant paying rent, an annual sum equivalent to two *per cent* on the amount of his rent;

On tenants.

5. On each male inhabitant of the age of twenty one years who shall have resided in the said city for six months, not being a proprietor, tenant, an apprentice, nor a domestic servant, an annual sum of one dollar;

Capitation;

Dogs ;

6. On every dog kept by persons residing in the said city, an annual sum of not less than one, or more than three dollars, and if the proprietor or harbinger of any dog shall fail to pay the said tax when legally notified so to do, by the municipal officer entrusted with the collection of the said dog-tax, then it shall be lawful for the said council to order the said dogs upon which the tax has not been paid, to be killed by poison or otherwise, and the council shall have the power to order dogs to be kept muzzled or tied up, and to cause to be destroyed such as are vicious or dangerous ;

Destruction  
of dogs ;On proprie-  
tors of houses  
of public en-  
tertainment ;

7. And it shall be lawful for the said city council to fix by a by-law or by-laws, and to impose and levy certain annual duties or taxes in the discretion of the said council, on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses and eating-houses, and on all retailers of spirituous liquors, and on all pedlers and itinerant traders selling in the said city, articles of commerce of any kind whatsoever, and on all proprietors, possessors, agents, managers and keepers of theatres, menageries, circuses, billiard rooms, ten-pin alleys, or other places for games or amusements of any kind whatsoever, and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters and livery-stable keepers, and on all traders and manufacturers and their agents, and on all proprietors or keepers of wood-yards or coal-yards and slaughter-houses in the said city, and on all money-changers or exchange-brokers, pawn-brokers and their agents, and on all bankers and agents of bankers and banks, and on all insurance companies or their agents, and generally on all commerce, manufactures, callings, arts, trades and professions which have been or which may be introduced into, or exercised in the said city, whether the same be or be not mentioned therein.

Pedlers ;

Keepers of  
theatres, &c ;Auctioneers,  
grocers, &c ;

Yard keepers ;

Brokers ;

Manufactur-  
ers, &c ;Tax on liberal  
professions.

31. Every person in the said city practicing the profession of an advocate, physician, land surveyor, notary or any other liberal profession within the limits of the said corporation, shall be assessed at the sum of not less than three dollars annually, and the said city council may name a person or persons, to make the roll of the persons and moveable property, mentioned in the different parts of the foregoing sections.

Roll of move-  
able property ;By-laws  
respecting ;Opening of  
streets ;

Markets ;

Duties of  
clerks, &c ;

Stalls ;

Conduct ;

32. The said council shall also have power to make by-laws :

2. For opening new streets in the said city, to such extent as may from time to time, be required ;

3. For establishing market-places and for extending them hereafter ;

4. For determining and regulating the duties of the clerks of the market in the said city, and all other persons they may deem proper to employ to superintend the said markets, and for letting the stalls or places for selling upon and about the said market-places, and for fixing and determining the duties to be paid by any person selling on any of the said markets any provisions or produce whatever, and for regulating the conduct of all such persons in selling their goods and all produce whatever offered for sale on the said markets ;

5. For amending, modifying or repealing all by-laws made by the municipal council who have had the management of the internal affairs of the said city ;

Amendments  
to by-laws ;

6. For regulating and placing all vehicles in which any article shall be exposed for sale on the said markets ;

Vehicles on  
markets ;

7. For compelling proprietors to cause trees to be planted in front of their properties ;

Trees ;

8. For preventing persons bringing articles into the said city, from selling or exposing them for sale in any other place than the markets of the said city, or for making all other by-laws, which they shall judge requisite to regulate the sale of such articles, and for punishing by confiscation of their articles, goods or provisions, persons who in exposing them for sale in the markets or streets of the said city, contravene the by-laws passed by the said council as to the weight or quality of such articles, goods or provisions ;

Sale of mer-  
chandize ;  
  
Confiscation ;

9. For the establishment of public weigh-houses ;

Public weigh-  
houses ;

10. For preventing obstructions of any nature whatsoever in the streets ;

Obstructions  
on public  
streets ;

11. For preventing the sale on the public highway of any wares or merchandize whatsoever ;

12. For restraining, regulating or prohibiting the sale of any spirituous, alcoholic or intoxicating liquors ;

Sale of spiri-  
tuous liquors ;

13. For regulating and governing shopkeepers, tavern keepers and other persons selling such liquors by retail, and in whatever places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ;

Hotelkeepers ;

14. For taxing saloons and saloon keepers ;

15. For preventing the sale of any intoxicating beverage to any child, apprentice or servant ;

Saloons ;  
Sale of spiri-  
tuous liquors  
to children,  
&c ;

16. For regulating, fixing and determining the weight and quality of bread, sold or offered for sale, within the limits of the said city ;

Bread ;

17. For regulating the conduct and duties of apprentices, domestics, hired servants and journeymen in the said city, and also duties and obligations of masters and mistresses towards their servants, apprentices, journeymen and domestics ;

Masters and  
servants ;

18. To prevent the keeping of gaming houses, places for gambling, or any description of house of ill fame in the said city ;

Gaming  
houses ;

19. To establish as many public pounds, as the said council shall deem expedient to open, for the impounding of animals of any species which may be running at large in the said city ;

Public  
pounds ;

20. For regulating, arming, lodging, clothing and paying a police force in the said city, and for determining their duties ;

Police ;

21. To compel the proprietors of all land and real property within the said city, their agents or representatives, to enclose the same, and to regulate the height, description and material of every such enclosure ;

Enclosure of  
lands ;

22. To compel the proprietors or occupants of lots of land in the said city, upon which is stagnant or filthy water, to

Drains ;



Low lands, &c ;	drain or raise such lands, so that the neighbours may not be incommoded nor the public health endangered thereby, and in the event of the proprietors of such lands being unknown or having no representative or agent in the said city, it shall be lawful for the said council to order the said lands to be drained or raised, or to fence in and enclose them, at the cost of the proprietor, if they are not already fenced in and enclosed ; and the said council shall have a like power, if the proprietors or occupants of such lands are too poor to drain, raise or fence in the same, and in every case, the sum expended by the said council in improving such lands, shall remain as a special hypothec on such lands and have privilege over all other debts whatsoever without its being necessary to register the same ;
Fences ;	23. To oblige all proprietors or occupants of houses in the said city to remove from the streets all encroachments or obstructions of any sort, either hanging over, or placed thereon, such as steps, galleries, porches, posts, sign-boards or other obstacles whatsoever ;
Special Hypothec ;	24. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys, and buildings of any description which may be in a state of ruin, and to cause to be removed from the streets, all sheds, stables and other buildings erected on the line of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;
Encroach- ments ;	25. For regulating the width of the streets to be opened hereafter in the said city, and for increasing the width of those already opened, for regulating and altering the height or level of any street or sidewalk in the said city ; provided that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said city, after a grade has been established, such damage shall be paid to such person after having been assessed by arbitrators, if any of the parties shall require it ;
Old walls ;	26. For assessing the proprietors of property situate in any street or portion of a street of the said city for the purpose of making sewers or drains in said street or portion of street, such assessment being in proportion to the assessed value of such property, and for regulating the mode in which such assessment shall be collected and paid ; provided always that the said council shall not be authorized so to assess the proprietors in any street or portion of a street, for making such common sewers, unless the majority of the proprietors in such street or portion of a street, shall have prayed for such undertaking, or called for such assessment ;
Width and level of streets ;	27. For assessing, at the request of a majority of the citizens residing in any street or portion of a street or public square of the said city, all the citizens residing in such street or portion of a street or public square in any sums necessary to meet the expenses of sweeping, watering and keeping clean such street or portion of a street or public square, and for removing the snow from any such street or portion of a street, lane or public
Drainage tax on proprie- tors ;	
Idem to water the streets ;	
Removal of snow ;	

place, such assessment being in proportion to the assessed value of the property therein ;

28. To prohibit the erection of steam-engines within the Steam-limits of the city for manufacturing or other purposes, except engines ; by leave of the council ;

29. To fix the place for the erection of any manufactories <sup>Manufac-</sup> or machinery worked by steam in the said city ; <sup>tories ;</sup>

30. For establishing a board of health and investing them <sup>Board of</sup> with all the privileges, powers, and authority necessary for the <sup>health ;</sup> fulfilment of the duties entrusted to them, or for acquiring all useful information on the progress or general effects of all contagious diseases, or for making such regulations as such board of health shall deem necessary for preserving the citizens of the city from any contagious diseases or for diminishing the effects or the danger thereof.

33. For the better protection of the lives and property of <sup>By-laws</sup> the inhabitants of the said city, and for more effectually pre- <sup>against fire ;</sup> venting accidents by fire, the said council may make by-laws for the following purposes, to wit :

2. For regulating the construction, dimension, height and <sup>Height of</sup> elevation of chimneys above the roofs, or even, in certain <sup>chimneys ;</sup> cases, above the neighbouring houses and buildings, and with- in what delay they shall be raised or repaired ;

3. For defraying out of the funds of the said city, any <sup>Fire-engines ;</sup> expenses that the council shall deem necessary to incur, for the purchase of fire-engines or apparatus of any kind, to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the pro- gress of fires ;

4. For preventing thefts and depredations which may be <sup>Thefts at</sup> committed at any fire in the said city, and for punishing any <sup>fires ;</sup> person who shall resist or illtreat any member or officer of the said council in the execution of any duty assigned to him, by the said council under the authority of this section ;

5. For making or authorizing, or requiring to be made, after each fire in the said city an enquiry into the cause and origin <sup>Enquiry into</sup> of such fire, for which purpose the said council or any com- <sup>cause of fire ;</sup> mittee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath they are empowered to administer ;

6. For regulating the manner in which, and the periods of the year when chimneys shall be swept, and for granting li- <sup>Sweeping</sup> censes to such number of chimney-sweeps, as the said council <sup>chimneys ;</sup> shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said city, to allow their chimneys to be swept by such licensed chimney sweeps, and for determining what rates shall be paid either to the coun- cil or to such chimney sweeps, and for imposing a penalty of not less than one dollar, nor more than five dollars, on all per- sons who shall refuse to allow their chimneys to be swept as aforesaid, and all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any justice of the peace ; and whenever any

- chimney which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said justice of the peace shall have power to impose the above penalty in full on the occupant of each house or family, or to divide the same among them in proportion to the degree of negligence, shown on proof before him ;
- Keeping of ashes and quick-lime ;** 7. For regulating the manner in which ashes and quick lime shall be kept in the said city, and for preventing the inhabitants of the said city from carrying fire in the street without necessary precaution, from making a fire in any street, or from going from their houses to their yards and outbuildings and entering therein with lights not enclosed in lanterns, and generally for making such regulations as they may deem necessary for preventing accidents by fire ;
- Lights generally ;** 8. For regulating the conduct of all persons present at any fire in the said city, for obliging idle persons to assist in extinguishing the fire or in saving effects which may be in danger, and for obliging all the inhabitants of the said city, to keep at all times upon and in their houses, ladders and fire-buckets, in order the more easily to check the progress of fire ;
- Conduct of persons present at fires ;** 9. For defraying out of the funds of the said city any expenses which the said council shall deem expedient to incur in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said city, or in any other service for the city, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in any other service for the city, or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said city ;
- Ladders, &c ;** 10. For vesting in such members of the said council, or in the fire inspectors or in the said members and inspectors who shall be designated in such by-laws, the power of ordering to be demolished during any fire, any houses, buildings, out-houses or fences which might serve as fuel to the fire and endanger the other property of the inhabitants of the said city, saving the obligation of paying to the proprietors of the buildings so demolished, the damages to which they may be entitled ;
- Aid to wounded, &c ;** 11. For appointing all such officers as the council shall deem necessary, for carrying into execution the by-laws to be passed by them, in relation to accidents by fire, for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said city ;
- Demolition in case of fire ;** 12. For authorizing such officers as the council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, that is to say : between nine o'clock in the morning and four o'clock in the afternoon, either the inside or the outside of all houses and buildings of any description within the said city, for the purpose of ascertaining whether the rules and regulations passed by the said council, under the authority of this act, are regularly observed, and for obliging all proprietors or occupants of houses in the said city to admit all officers of the corporation for the purpose aforesaid ;
- Appointment of officers ;**
- Inspection of houses, &c ;**

18. For imposing a penalty, of at least one dollar and not more than twenty dollars, for any infraction of by-laws legally made. **Penalty.**

34. The secretary-treasurer, when he shall have completed his collection-roll, shall proceed to collect the rates therein mentioned, according to the manner provided by the municipal code. **Collection of rates.**

35. Every tax or assessment imposed under this act upon any property or house in the city may be recovered either from the proprietor, tenant or occupant of such property or building. **Recoverable from whom.**

36. All the debts now due or hereafter to become due to the said corporation, for all taxes or assessments imposed upon moveable or immoveable property in the said city shall, under this act, be privileged debts according to the municipal code. **Taxes privileged.**

37. All the fines and penalties recovered under the provisions of this act shall be paid into the hands of the secretary-treasurer of the said city council, and the proceeds of all licenses granted under this act shall form part of the public fund of the said city, any law to the contrary notwithstanding; also all fines and penalties sued for and recovered, in the magistrates' court in the said city of Sherbrooke (save and except for the infraction of the laws relating to the sale of liquors,) under and by virtue of this act and under the summary convictions act, shall belong to and form part of the general funds of the said city of Sherbrooke and shall be paid over to the secretary-treasurer of the said city council, by the justice rendering judgment, and in all such cases the evidence may be taken *vide voce* and need not be reduced to writing, unless at the time of the fying of the plea, the defendant requests the same to be taken in writing. **Penalties, to whom paid. Licenses. Other penalties.**

38. Before any by-law of the said council shall have force or be binding, such by-law shall be published by publication for two consecutive weeks in two newspapers published within the limits of the said city, in one newspaper in the french language, and in the other in the english language. **Publication of by-laws.**

39. The said council may contract loans for all objects falling within the scope of their power, by complying with the provisions of the municipal code, and may make a by-law or by-laws granting such bonus or bonuses, as they may think desirable and proper in aid of any manufacturing company or companies as may be established within the limits of the said city of Sherbrooke; but no such by-law shall be operative until the same shall have been approved of by the municipal electors of the said city under and by virtue of the provisions of the municipal code; provided however, that none but owners of real property who by the valuation roll are entitled to vote **Power to borrow. Aid to manufacturing companies. Approval. Proviso.**

at other municipal elections under this act shall be entitled to vote, either for or against any by-law for the purposes aforesaid.

Issue of debentures.

Mode of issue.

Proviso.

Issue of debentures for \$25,000, without approval of rate-payers.

Mode of issue.

**40.** The said council may issue debentures for the purpose of raising money upon the credit of the city for all objects falling within the scope of their powers, such debentures to be issued subject to the provisions of the municipal code, and the amendments thereto; provided however, that none but owners of real property as aforesaid shall be entitled to vote for or against any by-law passed for the purposes aforesaid;

**2.** But inasmuch as the said town of Sherbrooke has promised by way of bonus to the Canadian meat and produce company, the sum of eight thousand dollars, and inasmuch as there is due by said town, certain other debts which are now due and exigible, amounting in all to a sum not exceeding twenty-five thousand dollars, the said council may and they are hereby authorized to issue debentures for the purpose of raising money to pay these debts upon the credit of the city and without submitting the same to the rate-payers of the said city to an amount not exceeding twenty-five thousand dollars, such debentures to be issued in the form and under the provisions set forth in the municipal code and its amendments; save and except however, that they may be issued by virtue of a resolution of the council of the said city of Sherbrooke, and such resolution shall not require the sanction or approval of the municipal electors of the said city nor of the lieutenant-governor of this province, but such debentures shall have the same validity as though sanctioned by the lieutenant-governor.

Properties exempt from taxation.

**41.** The following property shall be exempt from taxation in the city of Sherbrooke:

All lands and property belonging to Her Majesty, Her heirs and successors, held by any public body or office or person, in trust for the service of Her Majesty, Her heirs and successors;

2. All provincial property or buildings;

3. Every place of public worship, presbytery, parsonage or manse and appurtenances and every burying-ground;

4. Every public school house and the ground on which the same is constructed, provided that such ground does not exceed one acre;

5. Every educational establishment and the ground on which the same is constructed, provided that such ground does not exceed two acres;

6. All buildings, grounds and property occupied or possessed by hospitals or other charitable institutions, not exceeding three acres.

Encroachments upon the streets.

**42.** It shall be lawful for the said city council to order the inspector of the said city to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said city by means of houses, fences,

buildings or obstructions of any kind, to cause the removal of such encroachments or obstructions, by giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said city inspector in giving his notice, and if such persons shall not have removed such encroachments or obstructions within the delay specified, the said corporation may itself remove the same and shall recover the sum expended for such purpose from the person in default.

Power to cause the removal of them in certain cases.

**43.** From and after the passing of this act, every proprietor or agent who shall wilfully grant a certificate or receipt setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said city such a receipt or certificate falsely representing the value of the rent paid by such tenant in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof before the mayor or a justice of the peace, to a penalty of twenty dollars currency or less, with costs, or in default of payment to imprisonment during one calendar month or less, according to the judgment of such mayor or justice of the peace.

False representation. Penalty.

**44.** The said council shall have full and unlimited power to purchase and acquire out of the funds of the said city all such lots, lands and real property whatsoever within the said town, as they shall deem necessary for the opening or enlargement of any street, public square or market place, or for the erection thereon of a public building, or generally for any object of public utility of whatsoever nature.

Power to acquire land for the opening of streets, &c.

**45.** When the proprietor of a lot which the said council shall be desirous of purchasing, for any object of public utility whatsoever, shall refuse to sell the same by private agreement, and also refuses or neglects within ten days after notification, to appoint an arbitrator to act jointly with an arbitrator chosen by the corporation, and to enter into a bond with the corporation to accept the award of the said arbitrators as compensation for said land, or in case such proprietor shall be absent from the province or in case such lot of land shall belong to minors, issue unborn, lunatics, idiots, or *femes covert*, the said council may apply to any judge of the superior court for Lower Canada in and for the district of Saint Francis after having given notice of such application to the party interested, an absentee in such case being notified by a notice for such object published during two months in the newspapers, one published in the english language and the other in the french language in the district of Saint Francis, for the appointment of an arbitrator by the said judge, to make, conjointly with the arbitrator appointed by the said council, a valuation of such lot, with power to the said arbitrators however appointed, in case of a difference of opinion, to appoint a third, without being bound, in case of such latter appointment, to notify the parties; and when the said arbitrators or two

Expropriation for public utility.

of them shall have made their report to the said council, at a regular meeting thereof, it shall be lawful for the said council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the prothonotary of the superior court, for the district of St. Francis, for the use of the person entitled thereto; provided always, that in all matters of expropriation it shall be the duty of the said arbitrators in making their valuation, to declare if the residue of the said land, part whereof has been detached, is benefitted by the expropriation, and if such be the case, such value so given to the residue of the land shall be by them taken into consideration, in making the estimate of indemnity, and shall be deducted therefrom, and the decision of the said arbitrators, or of a majority of them, shall be final, and within ten days after notification of the deposit of such money, with the said prothonotary, which notification in the case of an absentee shall be published in the newspapers as required by this section, the owner of such land shall be bound to execute a deed of sale of said land to and in favor of the corporation, and in case of his failing to do so, then the registration in the registry office of the proper registration division, of the said award, and a certificate from the prothonotary of the deposit of such money, shall constitute a good and sufficient title to said land in the said corporation.

Penalty for  
refusal of  
charge or  
neglect.

Mayor ;  
Councillors ;  
Valuators ;

Members of  
the council ;

Voters not  
qualified ;

Road inspect-  
ors ;

**46.** Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office or to perform the duties of such office during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list, or designation of such office, that is to say :

1. The office of mayor, fifty dollars ;  
2. The office of councillor, twenty-five dollars ;  
3. Whenever the valuator neglect to make the valuation which they are required to make under this act, or neglect to draw up, sign and deliver the valuation roll to the secretary-treasurer of the council within two months from the date of their appointment, every such valuator shall incur a penalty of fifty dollars ;

4. Every member of the council, every officer appointed by the council, who shall refuse or neglect to do any act or perform any duty required of or imposed upon him by this act shall incur a penalty not exceeding twenty dollars and not less than one dollar ;

5. Every person who shall vote at any election of councillors, without having at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars ;

6. Every inspector of roads or road-officer who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council shall, for each day on which such offence shall be committed or such neglect shall continue incur a penalty of two dollars, unless some other and heavier penalty be by law imposed on him for such offence

7. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the council in the exercise of any of the powers or in performance of any of the duties conferred or imposed upon him by this act, or by any by-law or order of the said council, shall incur a penalty not exceeding twenty dollars for every such offence ;

8. Any person contravening any of the provisions of this act, the penalty for the infraction whereof is not already prescribed by any provision of this act, shall incur a penalty not exceeding twenty dollars.

47. All the penalties imposed by this act, or by any by-law made by the council, shall be recovered in the manner provided by the municipal code ; provided however, that in all summary trials for such penalties had before the district magistrate or any two magistrates in the said city of Sherbrooke, the evidence may be taken orally, unless the party prosecuted do make a demand that the same shall be taken in writing, and in all such cases, conviction shall carry costs.

48. All the powers conferred by the municipal code of the province of Quebec and the amendments thereto, upon any municipal council, and upon the councillors and officers of such council and not inconsistent with this act of incorporation, shall apply to the corporation of the city of Sherbrooke, to the municipal council and to the councillors and officers of the said corporation ; and wherever this act is silent, all the provisions of the said code and its amendments shall apply, and be law, in relation to all municipal matters in the said city of Sherbrooke and to all matters and things provided for in the said code.

49. An appeal shall lie to the circuit court from any decision of the council of the said city of Sherbrooke with reference to any valuation-roll, *proces-verbal*, expropriation of property, or any other thing with regard to which any party shall deem himself aggrieved by the decision of the council, and the decision of the court shall be binding upon all parties ; such appeal shall be prosecuted in the manner provided by articles 1064 to 1079 inclusive of the municipal code relative to appeals from decisions of county councils.

50. This act shall come into force on the day of its sanction.



## CAP. LI.

An Act further to amend the provisions of the several acts relating to the incorporation of the City of Quebec.

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

38 V., c. 74, s. 9, replaced.

1. The ninth section of the act of the province of Quebec, 38th Victoria, Chapter 74, is hereby repealed and the following substituted therefor :

32 V., c. 16, s. 24 amended concerning Quebec.

"The twenty-fourth section of the act of the province of Quebec, 32nd Victoria, Chapter 16, is hereby amended so far as the city of Quebec is concerned, by adding the following words at the end of the said section : "And the said tax shall be imposed, levied and recovered as aforesaid by the said corporation of the said city of Québec without any other formality and without it being necessary for the said corporation to make a by-law to that effect. And the said tax shall be so imposed every year according to the annual assessed value of the said real estate in the said city of Quebec."

Tax.

35 V., c. 12, s. 4, amended concerning Quebec.

2. The fourth section of the act of the province of Quebec, 35th Victoria, Chapter 12, is hereby amended, so far as the city of Quebec is concerned, by adding the following words at the end of the said section :

Additional sum.

"And the said additional sum when demanded by either the catholic or protestant board shall be levied annually in the manner stated in the said fourth section above cited, by means of a tax to be imposed, levied and recovered by the said corporation of the said city of Quebec on the real estate within the said city of Quebec, at the same time and in the same manner as the other taxes of the said city, on real estate, without any other formality and without it being necessary for the said corporation to make a by-law to that effect. And the said tax shall so be annually imposed according to the assessed annual value of the said real estate within the said city of Quebec ;

When imposed.

2. But this last mentioned tax may be imposed, levied and recovered by the said corporation of the city of Quebec, at the same time as the other taxes of the said city of Quebec, as above stated, or at any other time after the payment of any such additional sum made by the said corporation to the said catholic or protestant board, or to either of them ;

If demanded after the com-

3. And if the said additional sum be demanded at any time after the completion of the assessment roll made every

year by the said corporation of Quebec, then and in such case the said tax shall be imposed, levied and recovered, in the manner above stated, according to the assessment-rolls made for the year for which the application for the said additional sum shall be made, and may be then immediately levied and recovered by the said corporation ;

4. Provided that the demand for any additional sum be made prior to the thirtieth day of April of each year, and not afterwards ;

5. And in case the said corporation of the said city of Quebec shall have omitted to make the yearly statement required by the 27th section of the act 32 Vict., chap. 16, or in case the said statement should be incomplete, then and in such case it shall be lawful for the said corporation to make or complete the said statement, previously to the imposition of any tax to be imposed in virtue of the present act or in virtue of the acts hereby amended."

3. And whereas the said corporation of the city of Quebec, under the said fourth section of the said act 35 Vict., chap. 12, hath paid, in the course of the fiscal years, one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-five, to the protestant board of school commissioners of the city of Quebec, a sum of three thousand five hundred dollars, to which sum the said protestant board was entitled for the said two years according to law, and whereas the said payment was so made by the said corporation since the making of the said assessment-rolls made by it, for each of the said two years,—the said corporation do now levy the said sum of three thousand five hundred dollars by means of a tax to be imposed, levied and recovered by assessment on real estate in the said city of Quebec, in the same manner as above enacted, for the recovery of any additional sum, without any other formality, and without the necessity of passing a by-law to that effect. And the said tax shall be so imposed according to the assessed annual value of the said real estate, within the said city of Quebec, and the said corporation may impose the said tax, and exact its payment at any time after the passing of the present act.

4. All taxes to be imposed, as well under the present act as under the acts hereby amended, shall be paid by the proprietor of the real estate whereupon they shall have been imposed, in the manner prescribed by the twenty-sixth section of the act 32 Vict., chap. 16, and shall form part of the city school tax.

5. And whenever it shall become necessary for the said corporation of the city of Quebec to impose and levy any of the said taxes, it shall be lawful for the said

tions and of  
collections.

corporation to impose and levy at the same time and in the same manner, an additional tax of one fourth of a cent in the dollar on the assessed annual value of the real estate in the said city of Quebec, to meet and defray the expenses to be incurred by the said corporation, for the imposition and recovery of any of the said taxes, and this last mentioned tax shall also form part of the city school tax.

Suits.

6. All actions for the recovery of taxes or assessments to be imposed by the present act or by the acts hereby amended, shall be brought in the name of the corporation of the city of Quebec before the recorder's court of the said city, in the same manner as all other actions for the recovery of other taxes and assessments of the said city, and proceedings shall be had thereupon according to the law regulating the said court.

38 V., c. 74, s.  
26, amended.

7. The twenty-sixth section of the act 38 Victoria, chapter 74, is hereby repealed and the following substituted therefor :

Widening of  
St. John and  
Fabrique  
streets.

" 26. The said corporation is hereby authorized to borrow \$100,000 to be applied to the widening of St. John street, within, and Fabrique street, provided the widening of the said streets is decided by two-thirds of the council present.—The said sum shall form part of schedule B."

31 V., c. 33, s.  
11, amended.

8. The eleventh section of the act 31 Victoria, chap. 33, is hereby amended by adding the following words at the end thereof: "without the need of other publication of the said by-law before its final adoption, unless the same be ordered by a resolution of the council."

#### FINANCES.

Stock of  
\$65,000 of the  
water works.

9. The corporation of the city of Quebec is hereby authorized to issue stock or shares, to be known as "the Quebec Water Works Stock," to an amount of sixty five thousand dollars, to raise a like sum to be invested for the same purposes as mentioned in the 12th section of the act 38 Vict., chap. 74, according to the schedule A annexed to the present act.

Use of the  
\$216,000.

10. And the sum of two hundred and sixteen thousand dollars to be employed for the same purposes as mentioned in the thirteenth section of the same act, and according to the schedule B annexed to the present act ;

Shall bear  
hypothec.

2. And the said sums so employed for the said purposes will bear the same hypothecs and carry the same privileges and guarantees as the debentures mentioned in the said twelfth and thirteenth sections of the above cited act.

11. And the said corporation of Quebec is further authorized to issue debentures at any time it may think fit, to be called "Quebec water works debentures," to the amount of one million one hundred thousand dollars, to be employed to redeem the permanent stock class A, now issued and mentioned in the twelfth section of the said act 38 Vict., chap. 74, and also to pay the city stock to the amount authorized by the ninth section of the present act;

Debentures  
of the water-  
works for  
\$1,100,000.

2. And the said debentures so issued for the said purposes, shall bear the same hypothecs and carry the same privileges and guarantees as the debentures mentioned in the said twelfth section of the above cited act.

Hypotheca

12. All the debentures issued under the present act shall be redeemable within a period not exceeding thirty years from the date of the issuing thereof respectively, and shall bear interest at a rate not exceeding six per cent *per annum*, payable half yearly, and shall be signed by the mayor, city clerk and city treasurer, and under the seal of the corporation, and the payment of the said debentures and interest thereon shall be guaranteed by a sinking fund of one and a half per cent, on the amount of debentures issued, to be taken every year on or before the first of january by the city treasurer out of the annual revenues from the other funds of the corporation, and before the payment of any other appropriation whatsoever of the said revenues or funds, as more fully set forth in the twentieth section of the said act 38 Vict., chap. 74, which said section as well as the sections eighteen, twenty-one and twenty-two shall apply, *mutanda mutandis* to the debentures issued under the present act.

Term of  
debentures.

Interest.  
Signed.

13. The said sum of two hundred and eighty one thousand dollars, amount of debentures to be issued under the present act, shall form part of the consolidated fund of the city of Quebec, created in virtue of the 11th section of the act 38 Vict., chap. 74.

Such sums  
form part of  
the consoli-  
dated fund.

14. The first section of the present act shall be considered as forming part of the act 32 Vict., chap. 16, which it amends.

Interpreta-  
tion.

15. And the sections 2, 3, 4, 5 and 6 of this act shall be considered as forming part of the act 35 Vict., chapter 12, which they amend.

Idem.

16. And the sections 9, 10, 11, 12 and 13 of this act shall be considered as forming part of the act 38 Vict., chapter 74, which they amend.

Idem.

votes of two-thirds required.

17. The item of seventy thousand dollars to establish a street parallel and to the north of St. Paul street, shall only be expended upon the vote of two-thirds of the council present; and the said street shall only be opened upon the same vote.

Interpretation.

18. The present act shall be considered as forming but one and the same act with the acts hereby amended.

#### SCHEDULE A.

To amount authorized by Act 38 Vict., chap. 74 .....	\$ 1,085,000 00
" expenses on sale of debentures, &c...	45,000 00
" amount required to introduce water in several streets .....	20,000 00
	<hr/>
	\$1,100,000 00

#### SCHEDULE B.

To amount authorized by act 38 Vict., chap. 74 .....	\$1,940,000 00
" enlargement of Jacques Cartier Market .....	20,000 00
" amount required to pave Cul-de-Sac street to Champlain street .....	11,000 00
" amount required to pave St. Paul street to St. Joseph street .....	20,000 00
" amount required to pave St Joseph street to Crown street .....	24,000 00
" complete Mountain Hill, Des Sœurs and Dalhousie streets .....	15,000 00
" amount to pave the street parallel and north of St. Paul street .....	70,000 00
" prolongation of Durham Terrace and the improvements suggested by Lord Dufferin .....	40,000 00
" amount required to meet the expenses of widening Champlain street ..	10,000 00
" amount required for macadamizing St. John street, from Sutherland street to toll gate .....	6,000 00
	<hr/>
	\$2,156,000 00

## C A P . L I I .

An Act to amend the acts concerning the Corporation  
of the City of Montreal.

[Assented to 24th December, 1875.]

**W**HEREAS the corporation of the city of Montreal has by its petition represented that it is necessary, in the interest of the citizens of the said city, to make certain amendments to its acts of incorporation, and to introduce certain changes in the municipal administration of the said city; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

## TAXES AND CONTRIBUTIONS.

**1.** The seventy-eighth section of the act of the legislature of this province, passed in the 37th year of Her Majesty's reign, chapter 51, is hereby repealed, and the following section substituted in its stead :

s. 78, 37 v., c. 5, replaced.

" 78. The said council may pass and promulgate a by-law or by-laws for the following purposes :

Power to make by-laws for:

1. To impose and levy an annual assessment on all real property liable to taxation in the said city, or upon the owners or occupiers thereof, such assessment not to exceed one and a quarter per cent of the assessed value of such property ;

Taxes on real properties.

2. To impose and levy an annual tax (to be called "the business tax") on hotel or tavern-keepers, brewers, distillers, merchants, traders, manufacturers, banks, bankers, brokers and money lenders, auctioneers, grocers, bakers, butchers, hucksters, pawnbrokers, livery-stable keepers, tanners, inspectors of ashes, pork, beef, flour, butter or other produce, or the agents thereof ; on railway, telegraph, insurance, steamboat, or steamship companies, or their agents, doing business in the said city ; on proprietors or managers of theatres, billiard rooms, ball alleys or other like games ;—and generally on all trades, manufactures, occupations, business, arts, professions or means of profits or livelihood, whether hereinbefore enumerated or not, which now are or may hereafter be carried on, exercised, or in operation in the said city ; provided that such business tax shall not exceed seven and a half per cent on the annual value of the premises occupied by the said parties in the said city, in which they carry on or exercise such trades, manufactures, occupations, business, arts, professions or means of profit or livelihood ;

Business tax.

3. To impose and levy an annual tax on pedlars and carters doing business in the said city ; on owners of horses, vehicles and dogs in the said city ; on brokers, money-lenders or commission merchants ; on pawnbrokers and auctioneers ; on inn-keepers, brewers and distillers ; on theatres, circuses, menageries and minstrels ; on billiard tables ; on livery-stable keepers ; and on ferrymen or steamboat ferries, plying for hire for the conveyance of travellers to the city, from any place not more than nine miles distant from the

Business tax.

- Proviso.** same ; provided such tax do not exceed those respectively imposed in the year one thousand eight hundred and seventy-four ;
- Statute labor.** 4. To fix the amount of the commutation money payable each year, by each person liable to statute labour on the highways in the said city, not to exceed one dollar ; and to compel every person, so liable, to pay the amount of such commutation money so fixed, without his being allowed to offer his personal labour on the said highways instead thereof ;
- Tax on fire insurances.** 5. To impose and levy an annual tax on fire insurance companies doing business in the city of Montreal, not to exceed four hundred dollars for each such company ;
- Id. life and marine insurances, &c.** 6. To impose and levy an annual tax not exceeding two hundred dollars on every life, marine, accident or guarantee insurance companies doing business and taking risks in the city of Montreal ; provided that when any insurance company combines two or more branches of any kind of insurance, but one tax only shall be levied upon such company, that is to say, the tax, the rate of which is the highest on the said branches of insurance respectively ;
- Proviso.**
- Idem on banks.** 7. To impose and levy an annual tax not exceeding four hundred dollars on every bank doing business in the said city, with a paid up capital of one million dollars or less ; an annual tax not exceeding five hundred dollars on every such bank the paid up capital of which is more than one million, but does not exceed two million dollars, and a tax not exceeding six hundred dollars on every such bank the paid up capital of which is above two million dollars ;
- Idem on gas companies.** 8. To impose and levy upon all gas companies doing business in the city of Montreal, an annual tax not to exceed five thousand dollars, and no other tax or assessment can be imposed upon all such companies, save and except such as may be imposed on the immoveable property of all such companies ; but in no case shall the city of Montreal be held as having the right to impose a tax or assessment on the pipes laid in the streets."
- Interpretation of s. 78 of 37 V., c. 51** 2. The present act shall be read and interpreted as if section 78 of the 37th Vict., cap. 51 had not been repealed in so far as it relates to the Montreal city passenger railway company, and section one of the present act shall not apply to any such company.
- S. 72 of 37 V., c. 51, repealed.** 3. Section 72 of the said act 37 Vict., cap. 51, is hereby repealed and the following substituted in its stead :
- Mode of assessing.** "72. The assessors in assessing real property in the said city shall take as the base of their assessment the actual value of such property at the time of making the assessment ; they shall moreover specify and include in the assessment roll the *bonâ fide* rent of such property ; and if the same be occupied by, or in the possession of the owner thereof, the assessors shall determine the rent of such property, according to the amount at which, in their judgment, the said property might be rented, or ought to produce, if it were rented."

## EXPROPRIATION.

4. If upon action taken in pursuance of sub-section 21 of section 176 of the 37th Vict., cap. 51, the compensation awarded by the commissioners be augmented, it shall be lawful for the corporation of the city, in cases where the whole or any part of the cost of the improvement is to be paid by the proprietors interested, to cause a supplementary assessment to be made to cover such increase of compensation, by following the formalities prescribed by law.

5. The sub-section one of section 185 of the said act (37 Victoria, cap. 51) is hereby amended by striking out the word "shall," in the fifth line of the proviso in the said sub-section, and substituting the following words in its stead: "may, at their discretion, follow the former mode of assessment or."

Supplementary tax in certain cases.

Ss. 1 of s. 185  
37 V., c. 51,  
amended.

## MISCELLANEOUS.

6. And whereas the commissioners appointed by one of the judges of the superior court for the district of Montreal, to appraise the value of the lands to be expropriated for the widening of St. Mary street, between Papineau square and the city limits, and for the extension of St. Catherine street, from Dufresne street to the eastern city limits of the said city, and to apportion and assess the cost or part of the cost of the said improvements upon the real property benefitted, have committed an error by taking as the basis of the assessment the actual value of such real property, exclusive of the buildings thereon erected, instead of taking as such basis the value of such real property as specified and established in and by the general roll of assessment of the said city last made and revised, as required by the above cited act; and whereas the said error cannot but be highly detrimental to the interests of the said city if not rectified, and it is urgent, in the interest of the public, in consequence of the large sums which the corporation of the said city have advanced and deposited in the above cited cases, that new rolls of assessment be made with the least possible delay, in order that the said corporation may be in a position to reimburse themselves the sums so advanced and deposited,—it is hereby declared and enacted, that the two rolls of assessment and apportionment aforesaid made and completed by the said commissioners, that is to say; that of St. Mary street, on the nineteenth of february last and that of St. Catherine street, on the tenth june last—are null and void, and that it shall be lawful for the corporation of the said city, to cause a new assessment and apportionment of two-thirds of the cost of each of the said improvements to be made by following the mode prescribed in and by section 187 of the said act 37 Vict., chap. 51, upon the real property which the new commissioners shall adjudge and declare to have been interested in and benefitted by the said improvements respectively, and according to the valuation of the said property as established in and by the general roll of

Certain assessment rolls rendered null.

Right to proceed to a new assessment.



Pending cases. assessment of the said city, for the year one thousand eight hundred and seventy four; provided however, that it shall be lawful for the court before which actions are now pending based upon such error, to award costs at its discretion.

S. 192, 37 V., c. 51, amended. Sidewalks. 7. The section 192 of the said act, 37 Vict., cap. 51, is hereby amended by striking out the words "flag-stone or asphalt sidewalks" in the second and third lines thereof, and substituting the following in their stead "sidewalks made of stone or asphalt, or both together, or of any other durable and permanent material to the exclusion of wood."

Loan. Approval required. 8. It shall not be lawful for the corporation of the said city to effect any loan of money beyond the amount which it is authorized to borrow under sections 106, 114 and 120 of the said act 37 Vict., cap. 51, unless such loan shall have been previously submitted to and approved of by a majority of the owners of real property in the said city, in the manner and form specified in the said section 120 of the said act *mutatis mutandis*.

Construction of private drains. 9. The council of the said city is hereby authorized to regulate, by by-law, with the usual penalty, the time when private drains to be used for draining property in the said city shall be made, as also the manner and material with which the same shall be constructed, and to enact that such private drains shall be made by the corporation of the said city, from the line of the street to the common or public sewer, and to assess the cost of the same on the owners of such private property respectively.

Supply of water by gravitation. 10. The corporation of the said city is authorized to cause a survey to be made in any adjoining municipality with a view to ascertain the feasibility of obtaining for the said city, its supply of water by gravitation; and for that purpose to enter, by its officers or engineers, upon the lands of private individuals, free of charge and without the latter having the right to claim any indemnity except for actual damage caused.

Interpretation of the word "parsonages." 11. The word "parsonages" in the third section of the act of the legislature of this province, 38 Vict., cap. 73, shall apply to any house occupied as a residence by the officiating priest or minister of any church in the said city, either as proprietor or tenant; provided however, that but one parsonage for each church in the said city shall have the benefit of the exemption provided for, in the last cited section.

Lithographed receipts. 12. In all cases, proceedings or instances before the superior or circuit court wherein it is intended to prove the payment of municipal taxes or assessments in the said city, the production of lithographed or stamped receipts, as given in the office of the city treasurer, shall be held and taken as *prima facie* evidence, of the payment of such taxes or assessments.

**13.** In cases of *saisie-arêts* issued in the hands of the corporation of the said city, it shall be lawful for the treasurer of the said city to deposit in the *greffe* of the court from whence such *saisie-arêts* shall have so issued, the sum of money which he may have in hand belonging or owing to the defendant, that the said sum may be paid to whom it may appertain, as the court shall order.

**14.** Sections one and three of the present act shall be held as forming part of the said act 37 Vict., chap 51, which they amend.

**15.** The present act shall be held as forming but one and the same act with the acts which it amends.

**16.** This act shall come into force immediately after its sanction.

### CAP. LIII.

An Act further to amend "The Quebec Railway Act, 1869," (32 Vict., chap. 51.)

[Assented to 24th December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:—

**1.** Paragraph twenty-eight of section nine of "The Quebec Railway Act, 1869," is amended by the addition of the words following: "But ten days previous notice of the time and place when and where application will be made for its granting, shall be served upon the owner of the land or upon the party empowered to convey the land, or interested in the land to be taken or required by the company; and the costs of the application to, and of the hearing before the judge, shall be borne by the company, whenever the compensation awarded shall be more than they had declared their readiness to pay; provided however, that when such owner or party is absent from the district without having a known agent upon whom such service can be made, or when such owner or party is unknown, application for such warrant may be made at any time after the expiration of the month's notice mentioned in paragraph thirteen without any other or further notice."

¶ 28, s. 9, of  
32 Vict., c.  
51, amended.

Notice  
required in  
case of expro-  
priation.  
Costs of the  
application.  
Proviso.

## C A P. L I V .

An act to change the name of "the Philipsburg, Farnham and Yamaska Railway Company" to that of "The Lake Champlain and St. Lawrence Junction Railway Company," and to allow the company to change its line of road.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS "the Philipsburg, Farnham and Yamaska Railway Company, a body politic and incorporated under an act of the legislature of the province of Quebec, to wit, chapter 31, of 35th Victoria, has, by its petition, prayed to be authorized to change its name, and to make certain changes in the line of its road to the north of the city of St. Hyacinthe, and whereas it is expedient to grant the prayer of the petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Former name, changed.

New name

Rights not affected.

Suits, &c.

Certain line, not obligatory.

Power to make another.  
Proviso :

**1.** The name of the said Philipsburg, Farnham and Yamaska Railway Company, is hereby changed to that of "The Lake Champlain and St. Lawrence Junction Railway Company," which name shall be and subsist instead of that up to this time belonging to the said company; but such change of name shall in no manner be interpreted as modifying or affecting any of the rights of the said company, or any of its obligations, or any suit, action, or proceeding pending or had at the time when the present act shall come into force, but all such rights and obligations shall subsist as if the present act had not been passed; and all such suits, actions or proceedings shall continue as if this act had not been passed; but any new proceedings which may hereafter be instituted either by or against the said company, shall be in the name assigned to it by the present act.

**2.** The said company shall not be obliged to build the road to the north of the city of St. Hyacinthe, over the properties and at the places shown on the charts, plans or books of reference already made for that part of the road to the north of the said city, and now deposited in the office of the department of public works, but it may adopt such other line, as it may deem convenient, within the limits of the counties of St. Hyacinthe, Bagot, Drummond, Richelieu, Yamaska and Nicolet, provided that the northern and southern termini of the line be not changed, and provided also, that new plans, charts or books of reference, for that part of the road, be prepared and deposited as required by law, and the same shall be

substituted to the first for all lawful purposes, and the properties that shall be designated on the new plans, charts and books of reference may be expropriated in the manner provided by the railway Act of 1869 and its amendments.

3. The present act shall come into force on the day of Act in force, the sanction thereof.

### C A P . L V .

An Act further to amend the acts relating to the Stanstead, Shefford and Chambly Railroad Company.

[Assented to 24th December, 1875.]

**W**HEREAS the Stanstead, Shefford and Chambly Railroad company have petitioned the legislature for certain amendments to their act of incorporation and the other acts relating thereto, and inasmuch as the said railroad has been completed and in good working order, as far as the village of Waterloo, in the township of Shefford, and the company are using their utmost efforts to reach the terminus originally proposed, either alone or with the corporation of the Waterloo and Magog railway company, which was incorporated, in the year 1871, it is expedient to grant the prayer of their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Notwithstanding anything in the act passed in the 32nd year of Her Majesty's reign, chap. 61, or in any other act contained, and the non-completion of the said railroad within the period limited by the said last mentioned act, the corporate existence and powers of the said Stanstead, Shefford and Chambly railroad company shall be held to have continued, and shall continue in full force and effect, and all proceedings taken and things done by the said company, and the directors and officers thereof, within the limits assigned to them by the said act of incorporation and other acts relating thereto, shall be held good and valid; provided the said railroad be completed and put in operation within ten years after the passing of this act.

Provisions of acts, continued.

Proceedings declared good and valid.

Delay extended.

2. Notwithstanding anything contained in the said act of incorporation, (or in any other act) the next general meeting of shareholders of the said company, for the election of directors, and for the transaction of the general

Time of the general meetings of the shareholders.

business thereof, shall be held on the second wednesday in november next, after the passing of this act, and thence annually on the second wednesday in november in each year thereafter; public notices of such annual general meeting shall be given, and the election shall be held in the manner provided by the said act of incorporation.

## CAP. LVI.

An Act to amend the act incorporating the Montreal, Portland and Boston Railway Company.

[Assented to 24th December, 1875.]

## Preamble.

**W**HEREAS the Montreal, Portland and Boston Railway Company have by their petition represented that it is desirable to amend their act of incorporation, and that it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

## Delay extended.

1. The time for completion of the works of the railway is extended to two years from the passing of this act.

## 35 V., c. 29, s. 15, amended.

2. The following words in the fifteenth section of the act incorporating the Montreal, Chambly and Sorel Railway Company, 35 Vict., cap. 29, are struck out, to wit: "the whole under pain of loss and deprivation of all the rights conferred upon them by this act."

## Issue of preferential debentures.

3. The directors of the said company shall have the power to issue preferential bonds or debentures, signed by the president or the vice-president of the said company, and countersigned by the secretary and treasurer, or the secretary-treasurer, as the case may be and under the seal of the said company, for the purpose of completing and equipping their railway, and such bonds or debentures shall be and be considered to be first privileged claims upon the property and rolling stock of the said company, and shall bear a first mortgage or hypothec upon the said railway, lands, bridges, buildings, and rolling stock, and such preferential bonds or debentures shall form a first charge on the tolls and income of the company, and shall take precedence and priority over all or any of the bonds or debentures already issued by the said company, but no such bonds or debentures shall be issued without the consent in writing, first having been obtained from the holders of all and every the first and second mortgages, bonds or debentures which have heretofore been issued by the said company, provided always that the amount of such bonds or debentures hereby author-

## Privilege thereof.

## Consent required.

ized to be issued, shall not exceed eight thousand dollars Proviso.  
per mile.

4. The board of directors shall hereafter be composed Number of  
of not less than seven and not more than nine members. the directors.

5. This act shall come into force immediately after its Act in force,  
sanction.

### CAP. LVII.

An Act to further amend "the act incorporating the  
Levis and Kennebec Railway Company."

[Assented to 24th December, 1875.]

**W**HEREAS the Levis and Kennebec Railway Com- Preamble.  
pany have prayed, that the act to amend their act  
of incorporation be amended in the particulars hereinafter  
set forth, and it is expedient to grant their prayer ; and  
whereas it appears that a total length of forty-five miles  
of the company's line having been completed, a first and  
second issue each of one hundred thousand pounds of the  
company's debentures have been made, each of such  
issues consisting of one thousand debentures of one hun-  
dred pounds sterling each ; and whereas, since the passing  
of the said amended act, the subsidy granted by the pro-  
vincial legislature has been increased to four thousand  
dollars per mile, and that further subsidies are about to  
be granted by various municipalities through which the  
line passes, thus providing a considerable portion of the  
amount required for the completion of the earthworks and  
bridges on the forty-five miles of lines remaining to be  
completed ; and whereas, to ensure the speedy completion  
of the said forty-five miles now incomplete, it is expedient  
that the rails and fastenings required should be provided  
without delay ; Her Majesty, by and with the advice and  
consent of the Legislature of Quebec, enacts as follows :

1. The following words in the twenty-second, twenty- 37 V., c. 23.  
third, twenty-fourth, twenty-fifth, twenty-sixth, twenty- amended.  
seventh, twenty-eighth, twenty-ninth and thirtieth lines  
in the first section of thirty-seven Victoria, chapter  
twenty-three, to wit : " And no more of such bonds shall  
be issued by the company until seventy-five miles of the  
said road (inclusive of the aforesaid forty-five miles) shall  
be complete and in running order as certified by the  
government inspecting engineer, and so soon as such  
seventy-five miles shall have been certified as completed  
and in running order as aforesaid, then the remaining  
one thousand bonds of one hundred pounds sterling each,

Time of the  
third issue.

to be termed the third issue, may be issued by the company." are struck out and the following are substituted therefor: "And so soon as the rails and fastenings required for the completion of the remaining forty-five miles or thereabouts of the company's line shall have been provided, then the remaining one thousand bonds of one hundred pounds sterling each, to be termed the third issue, may be issued by the company."

### CAP. LVIII.

An Act to grant to the "Union Navigation Company," incorporated by letters patent, a new charter of incorporation, with more extended powers.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS by letters patent issued under the great seal of the province, by order of His Excellency the lieutenant-governor in council, on the 6th august, 1874, a company having for its object the business of forwarding goods, the carrying of passengers, the building, owning, freighting and hiring of vessels, steamboats, wharves, roads and other things necessary for the purposes of the said company in this province, has been formed and incorporated in virtue of the provisions of the act concerning the incorporation of joint stock companies (31 Vict., chap. 25); whereas the said company having purchased vessels and other things necessary for its purposes, has been in operation and carried on business during two consecutive years, having established a new line of steamers between Quebec and Montreal; whereas the president and the directors of the said company, after having caused to be subscribed by the shareholders of the said company the sum of \$175,000 in the capital stock thereof, have represented that there remains a balance of \$125,000 of the authorized capital stock of the said company, which has not yet been subscribed, that the said balance is indispensable for the operations of the said company, and that the present shareholders, consulted at a general meeting, were unanimously of opinion that it would be advisable, to the end that this balance of capital be more promptly subscribed, to authorize the said company to issue preferential shares to the amount of \$125,000 currency; and whereas the success of this new subscription would be better assured if the said company were incorporated by special and public charter recognizing their legal existence and granting in addition to the powers now possessed by them, the power to issue the said preferential shares; and whereas it is expedient

to accede to the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said " Union Navigation Company " and all the present members and shareholders thereof, their successors and assigns for ever, are by the present act recognized to have been and are constituted into a corporation under his aforesaid name, having its principal place of business or office in the city of Montreal. Corporation recognized and constituted. Place of business.

2. The said company has had and shall have the power of carrying on the business of forwarding goods and of carrying passengers within the limits of this province, and for this purpose the said company is authorized in the prosecution of all matters within the scope of that business, and to build, own, freight or hire all vessels, steamers, wharves, roads or other things necessary for the purposes of the said company. Powers of the company.

3. The capital stock of the said company is and shall be \$300,000; divided into six thousand shares of \$50 each. Capital stock.

4. The directors of the said company are hereby authorized to issue for the balance of \$125,000 of the said hitherto unsubscribed capital stock, preferential shares, conferring on the holders and proprietors thereof the privilege of receiving an annual dividend of eight per cent, to be taken out of the net profits of the said company, before the holders of the other shares of the said company can have and receive any dividend whatever ; provided also that the said preferential shares shall not issue or be made, until a by-law to that effect shall have been adopted by two-thirds in value of the shareholders present or represented at a general meeting specially convened for the purpose of considering the same. Preferential Stock. Proviso. Consent required.

5. As soon as such dividend of eight per cent, granted to the preferential shares, shall have been taken out of the net profits realised by the company, the surplus of the said profits shall be employed by the directors in the payment of a dividend (at a rate to be by them fixed), upon the other shares of the company, but such dividend shall in no case exceed that of the preferential shares, and if the profits realized by the company permit the directors to pay a larger dividend than eight per cent, as well upon the preferential as the ordinary shares, such dividend shall then be equal upon these different shares ; but nothing shall prevent the directors, after the payment of the dividend of eight per cent, upon the preferential shares, from reserving each year out of the profits, a Payment of dividends. Use of the surplus of the profits.



Reserve in case of unforeseen expenses.

Use of the sum subscribed.

Suit and transfer.

Investment of property.

Actual directors, officers and by-laws, continued.

Interpretation.

Act in force.

reasonable sum to meet losses, accidents, unforeseen expenses, &c.

6. The total amount of the sums subscribed for the said preferential shares, to wit, up to the said sum of \$125,000, shall be exclusively employed by the directors of the said company either in repairing the steamers now owned by them or in building new ones.

7. The said company may require and recover payment of the said preferential shares in the same manner, and with the same formalities as in respect of the payment of the ordinary shares, and the sale and transfer of the said shares shall be effected in the same manner as that of ordinary shares.

8. All the moveable and immoveable property, assets and liabilities, rights and obligations generally of the said "Union Navigation Company," shall remain vested in the said company recognized and incorporated as afore-said, under the same name, and shall continue to be held and prosecuted for, by, or against the said company, and thereto to belong for all lawful purposes, as if the present act had not been passed; and all proceedings commenced by the said company may be continued without any change whatever.

9. The present president, directors and officers of the said "Union Navigation Company," shall remain in office for the said company, until they are replaced in conformity with the by-laws of the said company.

In a similar manner the present by-laws of the said company shall continue in force until they are modified, changed or repealed by the said company.

10. All the provisions of the act 31 Victoria, chap. 25, which are not inconsistent with this act, shall be deemed to be incorporated therewith and shall form part thereof.

11. The present act shall come into force on the day of its sanction.

## CAP. LIX.

An Act to amend the Act incorporating the Richelieu river hydraulic and manufacturing company.

[Assented to 24th December, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** The following words in the second section of the act of this province, 36 Vict., cap. 74, "provided that the lands so to be taken for the canals and for the ditches on either side thereof, and for such road or roads, shall not exceed six hundred feet, english measure, in width," shall be and the same are hereby struck out and omitted. 36 V., c. 74, s. 2, amended.

**2.** Section ten is hereby amended so as to read, instead of the words "after the whole capital stock of the company shall have been allotted or paid in," as follows: "after the whole capital stock of the company shall have been subscribed and one-fourth thereof paid in." S. 10, amended.

**3.** Section thirteen is hereby amended by adding after the words: "under the hand of the president," the words "or vice-president." S. 13, amended.

**4.** Section fourteen is hereby amended by adding after the words: "support of the government," the words, "and in default of payment of such forfeiture or penalty and the costs within fifteen days, from the rendering of the judgment, the person condemned may be imprisoned for any time, not less than fifteen days and not exceeding two months, which imprisonment, however, shall end on payment of the said sum." S. 14, amended. Imprisonment.

**5.** Section fifteen of the said act is hereby repealed, and the following enacted in lieu thereof: "The powers granted to the company shall wholly cease, if their works are not commenced within five years from the passing of this amending act." S. 15 replaced. Delay fixed.

**6.** The joint stock companies general clauses act shall apply to and form a part of this act, except in so far as it is in contradiction to or inconsistent with any of the provisions of this act, or of the act hereby amended, with the exception of clauses 32 and 39 thereof, the same not being applicable to this act, and the act hereby amended. General clauses act shall apply.

## C A P. L X.

An Act to incorporate "the Patriotic Insurance Company of Canada."

[Assented to 24th December, 1875.]

**W**HEREAS Thomas Simpson, Angus R. Bethune, James P. Clark, Michael P. Ryan, Edouard J. Barbeau and Antoine A. Trottier, of Montreal, have petitioned for an act to incorporate them and others under Preamble

the name of "The Patriotic Insurance Company of Canada," to enable them to carry on the business of Life Insurance and Fire and Marine Insurance, and whereas it has been considered advisable to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Québec, enacts as follows :

Incorporation.

1. The said parties and all other person and persons, firm and firms and bodies politic, as shall from time to time be possessed of any share or shares of the stock of the said company, are hereby constituted and shall be a body politic and corporate by the name of "the Patriotic Insurance Company of Canada," and by that name shall have perpetuity and a common seal, with power to make and alter such seal, and by that name may sue and be sued, plead and be impleaded in all courts whatever.

Name.

General powers.

Capital stock.

Subscriptions

Increase of the capital stock.

Subscription.

Instalments.  
Proviso.

Neglect to pay instalments.

2. The capital stock of the said company shall be one million of dollars, divided into ten thousand shares of one hundred dollars each, and books of subscription shall be opened in the city of Montreal and elsewhere, at the discretion of the directors, and shall remain open so long as and in the manner that they shall deem proper, after giving public notice thereof for such period as the said directors shall deem advisable, and such shares are hereby vested in the several persons, firms or corporations who shall subscribe for the same, and their legal representatives and assigns, subject to the provisions of this act ;

Provided always that it shall be lawful for the said company to increase its capital stock from time to time, to a sum not exceeding the further sum of two millions of dollars, or such portion thereof as the majority of the stockholders, at a meeting to be specially convened for that purpose shall agree to.

3. It shall be lawful for any person or persons, firm or body politic to subscribe for such and so many shares as he shall or they may see fit ; five per cent shall be paid at the time of subscription, five per cent in three months thereafter, and the remainder shall be payable in such instalments as the majority of the directors may determine upon ; provided always that no instalment shall be called for nor be payable, in less than fifteen days after public notice, given in two newspapers, english and french, as the directors may direct.

4. If any stockholder or stockholders, as aforesaid, shall refuse or neglect to pay the instalment due upon any share or shares held by him, her or them at the time required so to do, he, she or they shall *ipso facto* be and

become further liable to the payment to the company of interest on the amount of the unpaid call, from the date fixed for the payment of the same, at the rate of seven per cent per annum.

And the directors may declare such share or shares as aforesaid to be forfeited, together with the amount previously paid thereon, and such forfeited share or shares may be sold at a public sale by the said directors, after such notice as they may direct; and the moneys arising therefrom shall be applied for the purposes of this act; provided always that in case the money produced by any sale of shares, be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus money shall be paid on demand to the owner.

Forfeiture of shares.

Use of the products of the sale.

Proviso.

5. Provided always that the company may, if the directors think proper, enforce payment of all calls and interest thereon, with costs of suit by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient for the company to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more on one share or more, stating the number of calls and the amount of each, whereby an action has accrued to the company to recover the same with interest for non-payment, and a certificate under the seal of the company, and purporting to be signed by one of its officers, to the effect that the defendant is a share-holder, that such call or calls has or have been made, and that so much is due by him, shall be received in all courts of law as *prima facie* evidence to that effect.

Suits for recovery of the instalments.

Certificates of the company received as evidence.

6. A copy of any by-law, rule, regulation or minute, or of any entry in any book of the company certified to be a true copy or extract under the hand of the president or the vice-president, or the manager or secretary of the company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Authenticity of the by-laws, books, &c.

7. The company shall have power to make and effect contracts of life insurance with any person or persons, and to carry on the business of life insurance in all branches and modes of conducting the same, and on any plan or principle as the board of directors may determine and direct, and generally to enter into any transaction depend-

Life insurances.

ent upon the contingency of life, and all other transactions usually entered into by life insurance companies ; and shall also have the power and authority to effect contracts of insurance against loss by fire, or the perils of the sea and inland navigation, subject, however, to the provisions hereinafter mentioned, and the said company shall also have power to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected with and necessary to promote their objects.

**Agencies and local board of directors.** 8. For any or all of the purposes aforesaid, it shall be lawful for the directors to establish agencies and local board of directors for the carrying on of the business of the company, at any place it may be deemed advisable by the board of directors, and to appoint from time to time and to remove such agencies and local boards, as they in their discretion may deem advantageous, and to remunerate such agents and local boards, and to invest them with such powers as may be deemed necessary.

**Commencement of the business.** 9. It shall be lawful for the said company, so soon as one hundred thousand dollars shall have been subscribed, and twenty thousand dollars of that amount paid in, to carry on the business of life insurance ; and that as soon as a further sum of two hundred and fifty thousand dollars shall have been subscribed, and of the latter amount fifty thousand dollars paid in, the said company shall also be authorized to carry on the business of fire and

**Separation of the business.** marine insurance ; provided always, that before such business of fire and marine insurance shall be commenced, separate books of accounts shall be opened and kept for all transactions connected with the said business of fire and marine insurance ; and further that the fund pertaining to the branch of life insurance shall be vested in trustees, not less than three in number, to be chosen by the directors, to be held by the said trustees for the benefit of life policy holders, and that all funds derivable from the life branch shall be under the control of the said trustees, and be kept distinct and separate from the funds derivable from the other branches of fire and marine insurance, and shall not in any way be held with or attached in any manner, for any liabilities incurred in either the fire and marine branches ; provided also, that ten directors may in the first instance carry on the business of fire and marine insurance so soon as the sum of two hundred and fifty thousand dollars has been subscribed, and fifty thousand thereof paid in ; and may afterwards carry on the business of life insurance if a further sum of one hundred thousand dollars has been subscribed, of which twenty thousand dollars is paid in, subject however to the provi-

**Funds derivable from the life branch.**

**Commencement of the business.**

sions above mentioned as to the appointment of trustees, the keeping of separate books for such life insurance business, and the vesting of the funds in such trustees for the exclusive benefit of life policy holders.

**10.** The said company shall have power to acquire and hold for the purposes of its business such real estate in the province of Quebec, to sell the same and buy others, as the directors may deem expedient; and the said company, in addition to the above mentioned real estate, may purchase and hold such other real estate on which it may hold mortgages or hypothecs, which may be brought to a forced sale; or it may take any real estate, with the approval of the majority of the directors, in payment of any debt due to it in the course of its legitimate business; but the said company shall sell such real estate, either so purchased or so taken in payment, and not acquired for offices or for the purposes of its business, as above provided, within five years after the same shall have been acquired.

Right to acquire properties, &c.  
Proviso.

**11.** It shall be lawful for the said company to invest its funds in the debentures, bonds, stocks or other securities of the Dominion of Canada, or in the securities of any of the provinces comprising the Dominion, or in the securities of any municipal corporation in the Dominion, or in stocks of banks or building societies incorporated in Canada, or in stocks or debentures of companies incorporated in Canada, or to loan its funds on the security of such stocks, bonds or debentures, or on hypothecs or mortgages on real estate in the Dominion of Canada, or on its life policies to the extent of their surrender value, and it shall have power from time to time to dispose of such stocks, bonds or debentures and hypothecs, and replace them by others at the discretion of the directors.

Investment of the funds of the company in public stocks.

**12.** The property, affairs and concerns of the said company shall be managed and conducted by a board of directors to consist of not less than five and not more than nine incorporators, as may be determined by the provisional board of directors hereinafter named, one of whom shall be chosen president and one vice-president by them, and they shall fix the quorum and procedure of their meetings; which boards in the first instance and until replaced by others, shall consist of Thomas Simpson, Angus R. Bethune, James P. Clark, Michael P. Ryan, Edouard J. Barbeau and Antoine A. Trottier, all of the city and district of Montreal.

Board of directors.  
President and vice-president.  
Provisional directors.

**13.** The principal offices of the company shall be in the city of Montreal.

Place of business.

General meetings.

Notice.

First election of the directors.

**14.** The said provisional directors may call a general meeting of the share-holders at some place, to be named, in the city of Montreal, a previous notice of ten days being given to such share-holders by mail, viz., such notice prepaid in the post office at Montreal to the address of such share-holders, at which general meeting the share-holders present in person or by proxy, shall elect not less than five, nor more than nine directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors, and shall hold office until the annual general meeting in the year following the election.

General annual meetings.

Statement of the affairs.  
Election.

**15.** The annual general meeting of the shareholders shall be held at such time as may be determined by the board of directors, at which meeting shall be submitted a statement of the affairs of the company. The annual election of directors shall take place at this meeting by ballot, which shall be kept open from two to three o'clock of the said afternoon, at the expiration of which time it shall be closed, and when so closed no person shall have a right to vote on any pretence whatever, and the persons who shall have the greatest number of votes at any such election shall be directors, except as hereinafter directed; and if any two or more persons have an equal number of votes, in such a manner that a greater number of persons than the requisite number shall appear to be chosen as directors, then the directors who shall have the greater number of votes or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the director or directors so as to complete the whole number required; and no person shall be eligible to be, or shall continue as director, unless he shall hold in his name and for his own use, stock in the said company, to the amount of twenty five shares; and shall have paid all calls made and due upon his stock.

Special meetings.

**16.** Special general meetings of the share-holders may be called for any day not a holiday, by order of the president, or in his absence of the vice-president, or on the requisition of share-holders representing one-fifth of the subscribed capital stock of the company; and on such requisition the directors shall be bound to call the meeting within the time specified therein.

Place of the general meetings.

**17.** All general meetings of shareholders, whether for the annual election or special or other purpose, shall be held in such place in the city of Montreal, as the directors may select and indicate.

Notices.

And notices of all such meetings shall be given by advertisement, during the ten days preceding the day fixed for the meeting in a daily english newspaper and a

daily french newspaper published in the city of Montreal. The quorum at all such meetings shall consist of twelve shareholders duly qualified to vote. At all such general meetings, whether for the annual election or for any other purpose, each share-holder shall be entitled to give one vote for every share held by him absolutely and in his own name for not less than thirty days prior to the said meeting, upon which all calls then due have been paid up; such votes may be given in person or by proxy, the holder of such proxy being himself a shareholder qualified to vote; and all questions proposed for consideration shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes.

Quorum.

Right to vote.

Decision.

18. In case it should at any time happen that an election of directors of said company should not be made on the day appointed, it shall be lawfully held on any other subsequent day appointed by the directors for the time being; and they shall so continue in office until a new election is made.

Default of election.



19. And if any vacancy should at any time happen amongst the said directors, such vacancy shall be filled for the remainder of the year by the remaining directors or the majority of them electing in such place or places, a shareholder or shareholders eligible for such office.

Vacancy amongst the directors.

20. Each share-holder shall be individually liable to the creditors of the company, to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities thereof, but no further; but shall not be liable to an action therefor by any creditor before the state of insolvency of the company be proved; and the shares shall be deemed personal estate.

Liability of the share-holders.

Nature of the shares.

21. No transfer of any shares of the stock of the said company shall be valid until entered in the books of the said company, according to such form as may, from time to time, be fixed by the directors; and until the whole of the capital stock of the said company is paid up it shall be necessary to obtain the consent of the directors to such transfer being made,—provided that no transfer of stock shall at any time be made until all calls due thereon have been paid in.

Transfer of shares.

22. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share, and the receipt of the shareholder in whose name the same may stand in the books of the company, shall be a valid and binding discharge to the company, for any dividend or money pay-

Execution of trusts.



able in respect of such share, and his signature will suffice for any transfer of such share or other thing concerning such share, whether or not such notice of such trust shall have been given the company; and the company shall not be bound to see to the application of the money paid upon such receipt or transfer.

Share of the  
holders in the  
profits.

**23.** It shall be lawful for the directors to return to the holders of the policies or other instrument such part or parts of the profits of the company in such parts, shares and proportions, and at such times and in such manner, as the said directors may deem advisable, and to enter into obligations so to do, either by endorsement on the policies or otherwise;

Provided always that such holders of policies or other instruments, shall not be held to be in any wise answerable for the debts or losses of the company, beyond the amount of the premium or premiums which may have been actually paid up by him, her or them.

Management  
of business.

By-laws.

Approval.

**24.** The directors of the company shall have full power in all things to administer the affairs of the company, and may from time to time, if they deem advisable make by-laws not contrary to law nor to this act, for the conduct in all particulars of the affairs of the company and the remuneration of the directors, and may, from time to time, repeal, amend or re-enact the same, but every such by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat shall at and from that time only, cease to have force.

Transmission  
of shares, set-  
tled.

Shares of  
married  
women.

**25.** The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such manner, as the directors shall from time to time require, or by any by-law may direct; and in case the transmission of any share of the capital stock of the company shall be by virtue of the marriage of a female share-holder, it shall be competent to include therein a declaration to the effect that the share transmitted is the sole property, and under the sole control of the wife, and that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself without requiring the consent or authority of her husband and parties making the same, until the said parties shall see fit to resolve it by a written notice to

that effect to the company, and the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding.

**26.** If the directors of the company shall entertain doubts as to the legality of any claim to and upon such share of stock, it shall be lawful for the company to make and file in the superior court of Montreal, a declaration and petition in writing, addressed to the said court, or to one judge thereof, setting forth the facts, and praying for an order or judgment adjudicating or awarding the said share to the party or parties legally entitled to the same; and by which order or judgment the company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said share or arising therefrom; provided always, that notice of such petition shall be given to the party claiming such share, who shall upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said superior court; provided also, that unless the said court or judge otherwise order, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

If the Co.'y. has doubts as to certain claims.

Proceedings.

Notice.

Costs.

Recourse.

**27.** Any person who, as secretary, clerk or other officer of the company, shall be guilty of any designed fraud or falsehood, in any matter or thing pertaining to his office or duty, shall be guilty of a misdemeanor; and any person offering to vote in person at any election of directors in the said company, who shall falsely personate another or who shall falsely sign or affix the name of any other person, a member of the company, to any appointment of a proxy, shall be guilty of a misdemeanor.

Persons in default.

**28.** In all actions, suits and prosecutions in which the said company may be at any time engaged any officer or stockholder in the said company shall be a competent witness, notwithstanding any interest he may have therein.

Competent witnesses.

**29.** During the hours of business every stock-holder of the said corporation shall have power to ask and receive from the president, secretary or other officer, the names

Information required.

of all the stock-holders of the said corporation, and the number of shares held by each of them.

**Suits.**           **30.** Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no shareholder not being himself a party to such suit shall be incompetent as a witness therein.

**Witnesses.**

## CAP. LXI.

An Act to amend chapter 69 of the consolidated statutes for Lower Canada, respecting building societies, in providing for the means of their union or fusion.

[Assented to 24th December, 1875.]

**Preamble.**   **W**HEREAS it is expedient to provide for the union or fusion of building societies established in this province, under the provisions of chapter 69 of the consolidated statutes for Lower Canada, and with such view to amend such act; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**Right of amalgamation.**   **1.** It shall be lawful for two or more building societies established under the provisions of chapter 69 of the consolidated statutes for Lower Canada, to unite and join together to form one corporation, under the name of either of such societies, and to unite their capital, property, business, privileges, hypothecs, warranties, rights, powers and duties, by observing, however, the formalities hereinafter set forth :

**Mode.**           **a.** The directors of each of the societies desirous of uniting, shall fix and establish the terms of union, at one of their respective meetings, held in the ordinary manner, at their respective offices or places of business. When the directors of each of such societies have settled the terms of union, the secretary of each shall convene a general meeting of the share-holders of the society, at the usual place of business of such society, by notice published in the french and english languages, twice in each language, during one month, in two newspapers, if there are two in the city, town, village or municipality, in which is situated the society's place of business, or in the same newspaper, if there is only one published in such locality, and in default of such newspaper there, in any other newspaper published in the neighborhood; and a copy of this notice shall be forwarded by mail to the address of each share-holder ;

**Meetings.**

**Notice.**

**How published and forwarded.**

b. At such general meeting of the share-holders of each of such societies, (which shall be presided over by the society's president, or in default of him or in his absence, by a person to be selected by the meeting,) the draft of union settled and determined by the directors of such societies respectively, must be approved (if approved it is), by at least two-thirds of the members and share-holders present, and each share-holder can be represented by a proxy, provided said proxy is a share-holder; and at the same time, and at same meeting, the resolution, motion or by-law approving the draft of union submitted, either absolutely or with such modifications, as the meeting shall determine, shall contain, or shall be, an authorization to the president of such society, to sign any deed, document, resolution or by-law necessary to complete definitely the fusion of the societies.

Approval.

Effect of the approval.

2. When the draft of union shall have been so approved by the meeting of share-holders, the presidents of the societies about to unite, (each of which is thereunto authorized by this act), shall execute, either in notarial form or *sous seing privé*, (and in the latter case the deed shall be executed in triplicate), a deed of union, in conformity with the draft adopted by the meeting of the share-holders of each of the societies.

Deed of union.

3. A copy of the notarial deed, or one of the triplicates, shall be filed in the office of the prothonotary of the district wherein is the head office or principal place of affairs of the building society, the name of which is preserved. Another copy or one of the triplicates shall be filed in the registry office of the registration division, wherein is the head office or principal place of business of the society, the name of which is kept; and such latter society shall retain the other triplicate, or a copy of the notarial deed, as the case may be, to form part of its archives.

Deposit of the deed.

4. After the execution or passing of the deed, the society, the name whereof shall have been retained for the purposes of the union, shall alone remain in existence, and the other societies united thereto shall be dissolved.

Name of the society amalgamated.

The subsisting society shall thenceforward become and be possessed, of all the assets and rights of the societies so dissolved; and the share-holders and members of the dissolved societies shall become and be members and share-holders in the subsisting society, on the terms stipulated in the deed of union.

Effect of the amalgamation.

The rights of creditors of the dissolved societies shall not be in any manner affected by such union, and they may be enforced against the subsisting society, as the representative of the dissolved societies.

Rights of the societies dissolved.

Pending  
cases.

5. No proceedings pending, or judgment rendered against any of the societies united or dissolved, shall be affected by such union or fusion.

Such proceedings may be continued against the subsisting society, by suit or rule *en reprise d'instance* or by any other procedure permitted by law, and any judgment so rendered may be executed against the subsisting society.

Interpreta-  
tion.

6. The provisions of this act shall form part of chapter 69 of the consolidated statutes for Lower Canada.

Act in force.

7. This act shall enter into force on the day of the sanction thereof.

## C A P . L X I I .

An Act to change the name of " The Provincial Permanent Building Society " to that of " The Provincial Loan Company," and to extend the powers thereof.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS the Provincial Permanent Building Society, a body politic and corporate, have, by their petition, represented that they were incorporated under the authority of the legislature of the late province of Canada, consolidated statutes for Lower Canada, chapter 69, and that from the increase of their capital, the great extension of their business, and the nature and extent of their financial operations, it is desirable to change the name of the said corporation to that of " The Provincial Loan Company," and to grant it additional and more extensive powers, and it is expedient to grant the prayer of their said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Corporation  
constituted.

Name.

Place of busi-  
ness.

Powers and  
privileges,  
continued.

1. The said " The Provincial Permanent Building Society," and all its members, their successors and assigns forever, are hereby constituted a body politic and corporate, under the name of " The Provincial Loan Company," having its principal place of business in the city of Montreal; and under that name shall be capable of suing and being sued, pleading and being impleaded in all courts and places whatsoever.

2. The said " The Provincial Loan Company," shall not be deemed to be a new corporation, but it shall have, hold and continue to exercise all the rights,

powers and privileges that have heretofore been held and exercised and enjoyed by the said "The Montreal Permanent Building Society" in as full and ample a manner as if the said society had continued to exist under its original name; and all statutory provisions applicable to the said society shall continue applicable to the said "The Provincial Loan Company," so far as the same are not contrary to or inconsistent with the provisions of this act.

3. All the real and moveable property, shares or stock, obligations, debts, rights, claims and privileges of the said "The Provincial Permanent Building Society," shall be and are hereby transferred to and vested in the said "The Provincial Loan Company;" and all the share-holders in the said society shall be share-holders for like amounts and with like rights, in the said "The Provincial Loan Company," but all legal proceedings heretofore begun by or against "The Provincial Permanent Building Society," may be continued and terminated under the name or style of cause in which they have been instituted, for the benefit of or against "The Provincial Loan Company."

*Properties, obligations, &c., transferred to the corporation.*

*Suits already commenced.*

4. The present President, Vice-President, Directors and Officers of "the Provincial Permanent Building Society" shall continue in office as such in "The Provincial Loan Company" with the names of President, Vice-President, Directors and Officers of "The Provincial Loan Company" until replaced in conformity with the by-laws of the said company and the provisions of the law.

*Actual officers remain in office.*

5. All the present by-laws and rules of the said "The Provincial Permanent Building Society" shall continue in full force and effect, and shall be binding in law as regards "The Provincial Loan Company," its directors, officers, share-holders and borrowers, until modified, amended or repealed in conformity to law, and the provisions of this act.

*Actual by-laws, continued.*

6. The directors of the said "The Provincial Loan Company" may, from time to time, alter, amend, repeal or create any regulation, rule, or by-law for the working of the said company not contrary to law; provided that such action of the directors shall be confirmed at the next general or annual meeting of the share-holders of the company, notice being given of the proposed changes in the notices calling such meeting, and shall if not so confirmed cease after such meeting to have force; and at all meetings of share-holders of the company, the share-holders shall have one vote for each share held by them respectively.

*Power to change them, &c., and to make others.*

*Approval, required.*

7. No share-holder of the company shall be liable for or charged with the payment of any debt or demand due

*Liability of the share-*

holders, limited. from the company, beyond the extent of his shares in the capital of the company not then paid up.

Power to lend money. **8.** The said Provincial Loan Company may lend money upon hypothec or other security on real estate, or otherwise in conformity with the laws authorizing the establishment of building societies in Canada, and with the by-laws of the said company, to any person or persons, or body corporate, at such times and rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the said company; provided always, that all borrowers from the company shall be subject to all the rules of the company in force at the time of their becoming borrowers, but not to any other rules.

Mode.

Proviso.

Power to purchase debentures, &c. **9.** The said Provincial Loan Company may purchase mortgages upon real estate, debentures of municipal or other corporations, dominion or provincial stock or securities, and stocks of incorporated bodies or companies, and they may re-sell all such securities, as to them shall seem advisable; and for that purpose, they may execute such assignments or other instruments as may be necessary for carrying the same into effect; they may also make advances to any person, or persons, or body corporate upon the same securities at such rates of discount or interest as may be agreed upon.

Advances.

Power to act, &c., as agency, &c. **10.** The company may act as an agency and trust company, and may hold, invest and deal in its own name or otherwise, with such real estate, moneys, mortgages, hypothecs, securities or evidences of debt, debentures of municipal or other corporations, dominion or provincial stocks or securities, and stocks of incorporated bodies or companies, as shall, from time to time, be transferred or delivered to the company upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise; and the company may give such guarantee as may be agreed upon for repayment of principal or interest or both of any such moneys, mortgages, hypothecs, securities, evidences of debts, debentures or stocks.

Guarantee.

To receive on deposit. **11.** It shall be lawful for the said Provincial Loan Company to receive money on deposit and also for the board of directors of the company to issue debentures of the company for such sums, not being less than fifty dollars and in such currency as they may deem advisable, and payable in the Dominion of Canada, or elsewhere, not less than one year from the issue thereof, and allowing and bearing such rate of interest as may be deemed advisable; provided always that the aggregate

Issue of debentures.

Interest Limits.

amount of money deposits in the hands of the company, for which debentures may be issued and remain at any time unpaid, shall not exceed double the amount of capitalized, fixed and permanent stock of the company. The debentures of the company may be in the form of schedule A to this act, or to the like effect. Form.

12. The said Provincial Loan Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock, or to which any deposit or any other moneys payable by or in the hands of the said company may be subject; and the receipt of the party in whose name any such share or shares or moneys stand in the books of the said company, or if the same stands in the name of more parties than one, the receipt of one of the parties, shall from time to time be sufficient discharge to the company for any payment of any kind made in respect of such share or shares or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the company has had notice of such trust; and the company shall not be bound to see to the application of the money paid upon such receipt. Execution of trusts, &c.

13. The said Provincial Loan Company shall have power to acquire and hold by purchase, lease or other legal title, houses, buildings and premises; and also real estate for the purpose of constructing and building houses and other buildings thereon, and to lease, let, sell, convey and dispose of the said property, houses and buildings, so acquired or erected by the said company; provided always that the said company shall sell the property so acquired, within five years from the date of the purchase thereof, and that any lease made according to the provisions of section 14 of this act, shall be held to be a sale within the meaning of this section. Power to acquire.  
Proviso.

14. Upon an agreement being made by the said company for the sale of any house or other real estate held thereby, it shall be lawful for the said company to execute, in favor of the intending purchaser thereof, a lease thereof, for the time stipulated in such agreement of sale, as the limit of delay thereby fixed for the payment of the last instalment of the price therein agreed upon, at a rental corresponding in the amount and in the terms of payment thereof, with such price and with the terms of payment of such price, and if such lease appear by its terms to have been made under the provisions of this act, it shall not be held to convey, to such intending purchaser, any right in or to the property intended to be sold, or any real right therein whatever, nor shall the possession thereof by the intend- Sale by lease.



ing purchaser be held to be a possession as proprietor, nor shall any legal right or hypothec be created or attached thereon (notwithstanding that such lease shall contain a direct promise of sale of such property so soon as the conditions thereof shall have been performed), until the sum of money in such lease stipulated for, and every part and portion thereof shall have been fully paid with all interest due thereon, nor until the charges, conditions and obligations created by or due under such lease shall have been fully paid, performed and fulfilled, and the agreement or promise of sale shall be conditional in the fulfilment of all the covenants of such lease.

Effect of the performance of the conditions of the lease, &c.

**15.** If the intending purchaser or lessee, having accepted a lease under this act, of the property intended to be acquired by him from the company, shall make all the payments and perform all the conditions stipulated for by such lease, and shall fulfil all the obligations thereby imposed upon him, the said lease shall thereupon and thereafter be held to be, and shall be equivalent to a promise of sale of such property with possession, and shall vest the same in such intending purchaser in the same manner and to the same extent as if it were an ordinary promise of sale (*promesse de vente*), and shall give the right to the holder thereof, to demand and have, from the said company, a valid deed of sale of the property mentioned therein, containing warranty of title, and against all charges thereon, other than those disclosed and agreed to be permitted to remain thereon; and all hypothecs and privileges, whether conventional or legal, which were created for the intending purchaser, during the pending of the said lease, shall immediately thereupon attach to such property, according to their rank and privileges and the date of their registration, in the same manner as if the same had been the property of such intending purchaser from the date of such lease.

Right to re-take possession of the property in certain cases.

Notice.

**16.** If at any time three months' arrears of the instalments stipulated for in any such lease shall become due and remain unpaid, the said company shall have the right to re-take possession of the property intended to be sold, upon giving to the intending purchaser or lessee ten days' notice to vacate and deliver back the same, and tendering to him the amount by him actually paid on account of the instalments agreed upon in the said lease, after the deduction therefrom of interest at the rate of ten *per centum* per annum on the price agreed upon remaining unpaid each year for the time during which the premises agreed to be sold remained in the occupation of the intending purchaser by way of rent for the use and occupation of such premises, and of ten *per centum* of the amount actually

paid in to be retained as a forfeiture and penalty for non-performance of the agreement of purchase, of the cost of such tender, of the expense of repairs, and restoring all injuries and deteriorations suffered by the premises so intended to be sold, reasonable wear and tear excepted, and of all taxes, charges and assessments which attached thereto by the occupation thereof by the intending purchaser or lessee, and which shall then remain unpaid, all which charges and deductions shall be a first and privileged charge upon the amounts so actually paid in by him. But if the instalments payable annually under such lease shall amount to less than ten per centum upon such price, then, and in that case, the amount to be deducted for rental shall be the amount of instalments stipulated for in such lease.

17. If at the end of ten days after service of such notice and tender, the intending purchaser or lessees shall not vacate and deliver back to the said company the premises intended to be bought by him, the said company shall have the right to cause him to be ejected therefrom by proceedings to be taken under the provisions of the first chapter of the second title of the second book of the code of civil procedure of Lower Canada, commencing with article 887, in all respects in the same manner and with the same delays as if such lease were an ordinary lease. And the costs accrued to the said company in any such action shall also be a charge upon and be deducted from the amount of money actually paid in by the intending purchaser.

18. Any tender made by the said company shall be held to be sufficiently made if the company shall have bona fide used diligence to ascertain the amounts which they shall be entitled to retain out of the purchase money paid in by the intending purchasers, notwithstanding that the amount tendered may not be precisely that which should have been so tendered according to the provisions hereof; and in such case the company, and the intending purchaser shall have the right to recover each from the other the amount which may have been over or under tendered.

19. In the event of the surrender of any property so leased as aforesaid, and of the sum of money actually paid in by the intending purchaser being insufficient to meet all the charges thereon and deductions therefrom herein provided for, the said company shall have the same lien, privilege and remedies as an ordinary lessor upon the effects of the intending purchaser or lessee for the balance remaining due; provided always that such balance does not exceed in amount the sum

ing purchaser be held to be a possession as proprietor, nor shall any legal right or hypothec be created or attached thereon (notwithstanding that such lease shall contain a direct promise of sale of such property so soon as the conditions thereof shall have been performed), until the sum of money in such lease stipulated for, and every part and portion thereof shall have been fully paid with all interest due thereon, nor until the charges, conditions and obligations created by or due under such lease shall have been fully paid, performed and fulfilled, and the agreement or promise of sale shall be conditional in the fulfilment of all the covenants of such lease.

Effect of the performance of the conditions of the lease, &c.

**15.** If the intending purchaser or lessee, having accepted a lease under this act, of the property intended to be acquired by him from the company, shall make all the payments and perform all the conditions stipulated for by such lease, and shall fulfil all the obligations thereby imposed upon him, the said lease shall thereupon and thereafter be held to be, and shall be equivalent to a promise of sale of such property with possession, and shall vest the same in such intending purchaser in the same manner and to the same extent as if it were an ordinary promise of sale (*promesse de vente*), and shall give the right to the holder thereof, to demand and have, from the said company, a valid deed of sale of the property mentioned therein, containing warranty of title, and against all charges thereon, other than those disclosed and agreed to be permitted to remain thereon; and all hypothecs and privileges, whether conventional or legal, which were created for the intending purchaser, during the pending of the said lease, shall immediately thereupon attach to such property, according to their rank and privileges and the date of their registration, in the same manner as if the same had been the property of such intending purchaser from the date of such lease.

Right to re-take possession of the property in certain cases.

Notice.

**16.** If at any time three months' arrears of the instalments stipulated for in any such lease shall become due and remain unpaid, the said company shall have the right to re-take possession of the property intended to be sold, upon giving to the intending purchaser or lessee ten days' notice to vacate and deliver back the same, and tendering to him the amount by him actually paid on account of the instalments agreed upon in the said lease, after the deduction therefrom of the sum at the rate of ten per centum per annum on the price agreed upon remaining unpaid at the time during which the property remained in the occupation of the purchaser or lessee by way of rent for the premises, and of



Powers continued.

2. The said "the Montreal Loan and Mortgage Company," shall not be deemed to be a new corporation, but it shall have, hold and continue to exercise all the rights, powers and privileges that have heretofore been held and exercised and enjoyed by the said "the Montreal Permanent Building Society" in as full and ample a manner as if the said society had continued to exist under its original name; and all statutory provisions applicable to the said society shall continue applicable to the said "the Montreal Loan and Mortgage Company," so far as the same are not contrary to or inconsistent with the provisions of this act.

Properties, obligations, &c., transferred.

3. All the real and moveable property, shares or stock, obligations, debts, rights, claims and privileges of the said "the Montreal Permanent Building Society," shall be and are hereby transferred to and vested in the said "the Montreal Loan and Mortgage Company:" and all the shareholders in the said society shall be shareholders for like amounts and with like rights, in the said "the Montreal Loan and Mortgage Company," but all legal proceedings heretofore begun by or against "the Montreal Permanent Building Society," may be continued and terminated under the name or style of cause in which they have been instituted, for the benefit of or against "the Montreal Loan and Mortgage Company."

Proceedings commenced.

Actual officers, continued.

4. The present president, vice-president, directors and officers of "the Montreal Permanent Building Society" shall continue in office as such in "the Montreal Loan and Mortgage Company," with the names of president, vice-president, directors and officers of "the Montreal Loan and Mortgage Company," until replaced in conformity with the by-laws of the said company and the provisions of the law.

Actual by-laws, continued.

5. All the present by-laws and rules of the said "the Montreal Permanent Building Society" shall continue in full force and effect, and shall be binding in law as regards "the Montreal Loan and Mortgage Company," its directors, officers, shareholders and borrowers, until modified, amended or repealed in conformity to law, and the provisions of this act.

Power to make others, &c.

Approval.

6. The directors of the said "the Montreal Loan and Mortgage Company" may, from time to time, alter, amend, repeal or create any regulation, rule, or by-law, for the working of the said company not contrary to law; provided that such action of the directors shall be confirmed at the next general or annual meeting of the shareholders of the company, notice being given of the proposed changes in the notices calling such meeting, and

shall if not so confirmed cease after such meeting to have force ; and at all meetings of share-holders of the company, the shareholders shall have one vote for each share held by them respectively.

7. No shareholder of the company shall be liable for or charged with the payment of any debt or demand due from the company, beyond the extent of his shares in the capital of the company not then paid up.

Liability of the share-holders, limited.

8. The said " the Montreal Loan and Mortgage Company " may lend money upon hypothec or other security on real estate, or otherwise in conformity with the laws authorising the establishment of building societies in Canada, and with the by-laws of the said company, to any person or persons, or body corporate, at such times and rates of interest, as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the said company ; provided always, that all borrowers from the company shall be subject to all the rules of the company in force at the time of their becoming borrowers, but not to any other rules.

Power to lend money.

Mode.

Proviso.

9. The said " the Montreal Loan and Mortgage Company " may purchase mortgages upon real estates, debentures of municipal or other corporations, dominion or provincial stock or securities, and stocks of incorporated bodies or companies, and they may re-sell all such securities as to them shall seem advisable ; and for that purpose, they may execute such assignments or other instruments as may be necessary for carrying the same into effect ; they may also make advances to any person, or persons, or body corporate upon the same securities at such rates of discount or interest as may be agreed upon.

Purchase of mortgages, &c.

Advances.

10. The company may act as an agency and trust company, and may hold, invest and deal in its own name or otherwise, with such real estate, moneys, mortgages, hypothecs, securities or evidences of debt, debentures of municipal or other corporations, dominion or provincial stocks or securities, and stocks of incorporated bodies or companies, as shall, from time to time, be transferred or delivered to the company upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise ; and the company may give such guarantee as may be agreed upon for repayment of principal or interest, or both, of any such moneys, mortgages, hypothecs, securities, evidences of debts, debentures or stocks.

The company may act, &c., as an agency.

Guarantees.

Power to receive deposits and to issue debentures.

**11.** It shall be lawful for the Montreal Loan and Mortgage company to receive money on deposit and also for the board of directors of the company to issue debentures of the company for such sums, not being less than fifty dollars and in such currency as they may deem advisable, and payable in the Dominion of Canada, or elsewhere, not less than one year from the issue thereof, and bearing such rate of interest as may be deemed advisable; provided always that the aggregate amount of money deposits in the hands of the company, for which debentures may be issued and remain at any time unpaid shall not exceed double the amount of capitalized fixed and permanent stock of the company. The debentures of the company may be in the form of schedule A to this act, or to the like effect.

Form.

Execution of trustees.

**12.** The said Montreal Loan and mortgage Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive to which any share or shares of its stock, or to which any deposit or any other moneys payable by or in the hands of the said company may be subject; and the receipt of the party in whose name any such share or shares or moneys stand in the books of the said company, or if the same stands in the name of more than one, the receipt of one of the parties shall from time to time be sufficient discharge to the company, for any payment of any kind made in respect of such share or shares or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the company has had notice of such trust; and the company shall not be bound to see to the application of the money paid upon such receipt.

Power to acquire, &c.

**13.** The said Montreal Loan and mortgage company shall have power to acquire and hold by purchase, lease or other legal title, houses, buildings and premises; and also real estate for the purpose of constructing and buildings houses and other buildings thereon, and to lease, let, sell, convey and dispose of the said property, houses and buildings so acquired or erected by the said company; provided always that the said company shall sell the property so acquired within five years from the date of the purchase thereof, and that any lease made according to the provisions of section 14 of this Act, shall be held to be a sale within the meaning of this section.

Proviso.

Sale by lease.

**14.** Upon an agreement being made by the said company for the sale of any house or other real estate held thereby, it shall be lawful for the said company to execute, in favor of the intending purchaser thereof, a lease thereof, for the time stipulated in such agreement of sale, as the limit of delay thereby fixed for the payment of the last

instalment of the price therein agreed upon, at a rental corresponding in the amount and in the terms of payment thereof, with such price and with the terms of payment of such price. And if such lease appear by its terms to have been made under the provisions of this act, it shall not be held to convey, to such intending purchaser, any right in or to the property intended to be sold, or any real right therein whatever, nor shall the possession thereof by the intending purchaser be held to be a possession as proprietor, nor shall any lien or hypothec be created or attached thereon (notwithstanding that such lease shall contain a direct promise of sale on such property so soon as the conditions thereof shall have been performed) until the sum of money in such lease stipulated for, and every part and portion thereof shall have been fully paid with all interest due thereon, nor until the charges, conditions and obligations created by or due under such lease shall have been fully paid, performed and fulfilled, and the agreement or promise of sale shall be conditional in the fulfilment of all the covenants of such lease.

15. If the intending purchaser or lessee, having accepted a lease under this act, of the property intended to be acquired by him from the company, shall make all the payments and perform all the conditions stipulated for by such lease, and shall fulfil all the obligations thereby imposed upon him, the said lease shall thereupon and thereafter be held to be and shall be equivalent to a promise of sale of such property with possession, and shall vest the same in such intending purchasers in the same manner and to the same extent as if it were an ordinary promise of sale (*promesse de vente*), and shall give the right to the holder thereof, to demand and have, from the said company, a valid deed of sale of the property mentioned therein, containing warranty of title and against all charges thereon, other than those disclosed and agreed to be permitted to remain thereon; and all hypothecs and privileges, whether conventional or legal, which were created for the intending purchaser, during the pending of the said lease shall immediately thereupon attach to such property, according to their rank and privilege and the date of their registration, in the same manner as if the same had been the property of such intending purchaser from the date of such lease.

Effect of the execution of the conditions.

16. If at any time three months' arrears of the instalments stipulated for in any such lease shall become due and shall remain unpaid, the said company shall have the right to re-take possession of the property intended to be sold, upon giving to the intending purchaser or lessee ten

Power to re-take possession in certain cases.



## Notices.

days notice to vacate and deliver back the same, and tendering to him the amount by him actually paid on account of the instalments agreed upon in the said lease after the deduction therefrom of interest at the rate of ten *per cent* per annum on the price agreed upon remaining unpaid each year, for the time during which the premises agreed to be sold remained in the occupation of the intending purchaser, by way of rent for the use and occupation of such premises, and of ten *per centum* of the amount actually paid in to be retained as a forfeiture and penalty for non-performance of the agreement of purchase, of the cost of such tender, of the expense of repairs, and restoring all injuries and deterioration suffered by the premises so intended to be sold, reasonable wear and tear excepted, and of all taxes, charges and assessments which attach thereto by the occupation thereof by the intending purchaser or lessee, and which shall then remain unpaid, all which charges and deductions shall be a first and privileged charge upon the amounts so actually paid in by him. But if the instalments payable annually under such lease shall amount to less than ten *per centum* upon such price, then, and in that case, the amount to be deducted for rental shall be the amount of instalments stipulated for in such lease.

## Forfeiture.

## Ejectment.

17. If, at the end of ten days after service of such notice and tender, the intending purchaser or lessee shall not vacate and deliver back to the said company the premises intended to be bought by him, the said company shall have the right to cause him to be ejected therefrom by proceedings to be taken under the provisions of the first chapter of the second title of the second book of the code of civil procedure of Lower Canada, commencing with Article 887, in all respects in the same manner and with the same delays as if such lease were an ordinary lease. And the costs awarded to the said company in any such action shall also be a charge upon and be deducted from the amount of money actually paid in by the intending purchaser.

Tender made  
by the com-  
pany.

18. Any tender made by the said company shall be held to be sufficiently made if the company shall have *bonâ fide* used diligence to ascertain the amounts which they shall be entitled to retain out of the purchase money paid in by the intending purchasers, notwithstanding that the amount tendered may not be precisely that which should have been so tendered according to the provisions hereof; and in such case the company, and the intending purchaser shall have the right to recover each from the other the amount which may have been over or under tendered.

19. In the event of the surrender of any property so leased as aforesaid, and of the sum of money actually paid in by the intending purchaser being insufficient to meet all the charges thereon and deductions therefrom herein provided for, the said company shall have the same lien, privilege and remedies as an ordinary lessor upon the effects of the intending purchaser or lessee for the balance remaining due; provided always that such balance does not exceed in amount the sum chargeable against such intending purchaser, by way of rental for the use and occupation of the premises intended to be sold for expense of repairs and for the taxes, charges and assessments.

Privilege of  
the company.

Proviso.

20. A copy of any by-law of the company purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law, in all courts of law or equity in this province.

By-laws  
received as  
evidence.

21. If the directors of the company shall entertain doubts as to the legality of any claim to and upon any share or shares of the capital stock, it shall be lawful for the company to make and file in the superior court for Lower Canada sitting in the district of Montreal, a declaration and petition in writing, addressed to the Justices of the said court, setting forth the facts and praying for an order or judgment, adjudicating or awarding the said shares, to the party or parties legally entitled to the same, and by which order or judgment the company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares, or arising therefrom; provided always, that notice of such petition, shall be given to the party claiming such shares, who shall upon filing such petition establish his right to the several shares referred to in such petition; and the delays to plead, and all other proceedings in such cases, shall be the same as those observed in interventions in cases pending before the superior court; provided also, that unless the said superior court otherwise order, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred, until such costs and expenses are paid, saving the recourse of such party contesting his right.

Doubts as to  
certain  
claims.

Proceedings.

Notice.

Costs.

Recourse.

## SCHEDULE A.

### THE MONTREAL LOAN AND MORTGAGE COMPANY.

Debenture No.                      Transferable  
Under the authority of an Act of the Legislature

of the Province of Quebec Dominion of Canada.

The Montreal Loan and mortgage Company, promises to pay to or bearer the sum of on the day of , one thousand eight hundred and , at with interest at the rate of *per cent per annum*, to be paid half-yearly on presentation of the proper coupon for the same as hereunto annexed,

Dated at , the day of 18

For the Montreal Loan and Mortgage Company.

C. D.

A. B.

Secretary.

President.

### COUPON.

No. 1.

Half-yearly dividend due of 18 on Debenture No. issued by this Company on the day of , 18 , for at *per cent per annum*, payable at

For the Montreal Loan and Mortgage Co.

C. D.

A. B.

Secretary.

President.

### CAP. LXIV.

An Act respecting a Company Incorporated under the name of "Le Crédit Foncier du Bas Canada,"

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS "Le Crédit Foncier du Bas Canada," a body politic and corporate, duly incorporated under the statutes of Canada, 36 Victoria, chap. 102, have, by petition, represented that it is in the interest of such corporation, as well as in that of the public, that their act of incorporation should be recognized by the legislature of Quebec and the powers granted to them should be confirmed and legalized within the province of Quebec, in so far as this legislature can grant powers to the said corporation, and that great advantages would result to the public from the continuance of business within the province of Quebec, of such landed credit company, with sufficient capital for the making of loans for long periods, repayable by means of sinking funds, or for short periods with or without sinking funds, and that such an institution, formed on the model of the best landed credit institutions of Europe, is a boon to the province of Quebec, and have prayed for the passing of an act recognizing that incorporation and confirming within the limits of this province the powers conferred upon them in so far as this legislature can grant such powers, and whereas it is expedient

to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said company incorporated by chapter one hundred and two of the statutes of Canada, passed in the thirty-sixth year of Her Majesty's reign, and known by the name of "Le Crédit Foncier du Bas-Canada," is recognized as a body politic and corporate with all the rights, powers and privileges incidental to corporations by the laws of this province, and the said company shall, within this province, be governed by the provisions and possess and exercise the powers hereinafter mentioned, which are those conferred by their act of incorporation and the act amending it.

2. The business and affairs of the said company are and shall be conducted and managed by a board of nine directors to be appointed by the shareholders as hereinafter provided.

3. The capital stock of the said company is and shall be one million of dollars, divided into ten thousand shares of one hundred dollars each ; but the directors of the said company may, in conformity to any decision come to by the shareholders at a general annual meeting, increase the capital stock by the issue of a new series of shares, provided that each new series shall not exceed one million of dollars ; and provided also that no new series of shares shall be issued after the first, unless the full amount of the previous new series shall have been subscribed and paid up ; the subscribers to the first capital stock, their heirs and successors, being entitled to take, by privilege, in the new issue of shares, an amount proportionate to their shares in the first capital stock, and on the same terms and conditions.

4. No share-holder of the company shall be liable for or charged with the payment of any debt or demand due from the company beyond the extent of his shares in the capital of the company not then paid up.

5. Five directors shall form a quorum for the transaction of business. The directors shall name their president and vice-president, and the said directors shall remain in office until they shall have been replaced by their successors in the manner hereinafter mentioned, unless they cease to be so by one of the following causes, namely : death, resignation, possession of less than ten shares, insolvency, bankruptcy, or arrest for crime or misdemeanor.

Effect of the  
absence.

2. When a director has absented himself from the meetings of the board of directors during three consecutive months, the majority of a quorum of the other directors may, by resolution, declare his office vacant.

Resignation.

3. Every director shall have the right to give in writing his resignation of his office, and he shall be immediately replaced in the manner hereinafter provided.

Vacancy.

4. Every vacancy in the board of direction, happening in the course of the year, from whatever cause, shall be filled by the unanimous choice of the remaining directors, and the substituted director shall remain in office until replaced at the election of directors by the annual general meeting, but shall remain in office for the time for which the director he replaces had been elected.

Qualification  
of the di-  
rectors.

5. No person shall be elected a director who shall not be a proprietor of at least ten shares, on which all calls shall have been paid in full, a British subject, and a resident in the Dominion of Canada, and such number of shares shall remain untransferable during the time of his office.

Shares un-  
transferable.

Duration of  
charge.

7. The directors shall be elected for three years, but one third in number shall go out of office annually to be replaced by election at the annual general meeting of the present board of directors. Peter S. Murphy, François Benoit and the person who may be chosen to replace Charles J. Coursol shall remain in office for two years after the current year, and Michael O. Mullarky, William H. Hingston, Eugène H. Trudel, Edouard P. Lachapelle, Jeremiah Fogarty and the person who may be chosen to replace William Simpson, shall draw lots to decide which three shall retire at the end of the current year and which other three shall retire at the end of the next year.

Actual  
directors  
retiring.

Elections.

8. The election of directors shall be made at the annual general meeting and shall be by ballot, and decided by the majority of shareholders then present; voting either in person or by proxy.

Instalments.

9. The board of directors may, from time to time, make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them, as they shall deem necessary; provided that thirty days' notice at least be given of each call, and that no call exceed the amount of ten dollars per share, and that successive calls be not made at less than the interval of three months, and that the aggregate amounts of calls made in one year, do not exceed the amount of forty dollars per share; and every shareholder shall be liable to pay the amount of calls so made in respect of the shares held by him, to the persons and

Notice.

Restrictions

at the times and places from time to time appointed by the company.

**10.** If any person subscribing for shares in the capital stock of the company is desirous of paying up in advance, either at the time of subscribing, or at any other time, the full amount of his shares, the directors may at any time admit and receive such subscriptions, and the full payment or payments of any number of instalments, upon such conditions as they may deem expedient.

Payment in advance.

**11.** If any share-holder or share-holders shall refuse or neglect to pay any instalment upon his, her or their shares of the said capital stock at the time or times required by the directors as aforesaid, such share-holder or share-holders shall be bound to pay thereon eight per cent interest per annum until effectual payment; and moreover, it shall be lawful for the directors of the company without any previous formality other than thirty days public notice of the intention, to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of interest due on the whole of them; provided that the said sale shall have been specially authorized by a resolution of the board of directors; and the president, or the vice-president, or the cashier of the company, shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer, being accepted, shall be valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred. The executors, administrators, curators, paying instalments upon the shares of deceased shareholders shall be indemnified for paying the same.

Default to pay instalments.

Interests.

Sale of the shares.

Authorization to that office.

Effect of the transfer.

Indemnity in certain cases.

**12.** Notwithstanding anything contained in the preceding section, the company may sue such shareholder, failing to pay, for the amount of the instalments due upon his shares, in any court having competent jurisdiction, and may recover the same with interest at the rate of eight per cent per annum from the day on which such call may have been made payable.

Recovery of the instalments.

**13.** In any action to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said company by virtue of this act.

Allegations in the suit.

Proof re-  
quired.

14. On the trial of such action it shall be sufficient to prove that the defendant, at the time of making such call, was the holder of one share or more in the company, and that such call was in fact made and such notice thereof given, as is directed by this act, and it shall not be necessary to prove the appointment of the directors who made such call nor any other matter whatsoever, and thereupon the company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such calls exceed the amount of ten dollars per share or that due notice of such call was not given, or that the interval of three months between the successive calls had not elapsed, or that calls amounting to more than the sum of forty dollars in one year had been made.

Register shall  
be evidence.

15. The production of the register book of shareholders of the company or a certified extract therefrom, signed by the cashier of the company, shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares and of the sums paid in respect thereof.

Registers of  
the share-  
holders.

16. The company shall keep a book, to be called "the register of share-holders," and in such book shall be fairly and distinctly entered, from time to time, the names and additions of the several persons being share-holders of the company, the number of shares to which such share-holders shall be respectively entitled, and the amount of subscriptions paid on such shares; and such book shall be authenticated by the common seal of the company being affixed thereto.

Authentica-  
tion thereof.

Certificate of  
shares.

17. On demand of the holder of any share, the company shall cause a certificate of the proprietorship of such share to be delivered to such share-holder; and such certificate shall have the common seal of the company affixed thereto, and such certificate shall specify the number of shares in the undertaking to which such share-holder is entitled; and such certificate shall be admitted in all courts as evidence of the title of such share-holder to the share therein specified, nevertheless, the want of such certificate shall not prevent the holder of any shares from disposing thereof.

Authenticity  
thereof.

Nature of the  
shares.

18. The shares of the capital stock of the company shall be held and adjudged to be personal property, and shall be transmissible accordingly, and shall be transferable at the chief place of business of the company, or at any of its branches which the directors shall appoint for that purpose, and according to such form as the directors shall, from time to time, prescribe; but no

Transfer.

transfer shall be valid and effectual unless it be made and registered in a book or books to be kept by the directors for that purpose, nor until the person or persons making the same shall previously discharge, to the satisfaction of the directors, all debts actually due or contracted and not then payable by him, her, or them, to the institution which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the officer by whom the writ shall have been executed shall, within thirty days after the sale, leave with the cashier of the company an attested copy of the writ, with a certificate of such officer endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due, or contracted but not then payable, by the original holder or holders of the said shares to the company shall have been discharged as aforesaid), the president, or vice-president, or cashier, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly executed, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

Sale by execution.

Validity of the transfer.

19. Shares in the capital stock of the company may be made transferable, and the dividend accruing thereon may be payable in the United Kingdom, or elsewhere, in like manner as such shares and dividends are respectively transferable and payable at the chief office of the company, and to that end the directors may, from time to time, make such rules and regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Shares transferable.

By-laws to that effect.

20. If the interest in any share in the company become transmitted in consequence of the death, or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this act, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the directors shall require; and every such declaration shall be, by the party making and signing the same, acknowledged before a judge of a court of record, or before the mayor, provost, or chief magistrate of any city, town, borough or other place, or before a public notary where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the cashier, or other officer or agent of the company, duly authorized to that effect, who shall

Transmission of interests in the shares in certain cases.

Declaration.

Acknowledgement of the declaration.



- Inscription. thereupon enter the name of the party entitled under such transmission in the register of shareholders; and until such transmission shall have been so authenticated, no party or persons claiming by virtue of any transmission shall be entitled to receive any share of the profits, nor to vote in respect of any such share as the holder thereof;
- Proviso. provided always, that every such declaration and instrument as by this and the following section of this act is required to perfect the transmission of a share, which shall be made in any other country than this, or some other of the British colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other accredited representative of the British Government where the declaration shall be made, or shall be made before such British Consul, or Vice-Consul, or other accredited representative; and provided also, that nothing in this act contained shall be held to debar the directors, cashier or other officer or agent of the company, from requiring corroborative evidence of any such fact or facts alleged in any such declaration.
- Proviso.

Transmission of shares by virtue of marriage or by testament, &c. **21.** If the transmission of any share of the company be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall establish the identity of the wife with the holder of such share; and if the transmission has taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration or the act of curatorship, or any official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other authorized officer or agent of the company, who shall, thereupon, enter the name of the party entitled under such transmission in the register of shareholders.

Transmission of shares in virtue of decease. **22.** If the transmission of any share or shares of the capital stock of the said company, be by the decease of any shareholder, the production to the directors and deposit with them of any probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any court in the dominion of Canada, having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar court of authority in England, Wales, Ireland, India or any other British Colony, or of any testament, testamentary, or testament, dative expedite in Scotland, or if the deceased shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the directors of any probate of his will or letters of administration of his property, or other document of like import granted by

Decease out of Her Majesty's dominions.

any court of authority having the requisite power in such matters, shall be sufficient justification and authority to the directors for paying any dividend or transferring or authorizing the transfer of any share in pursuance of and in conformity to such probate, letters of administration, or other such document as aforesaid.

**23.** The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the company, or if it stands in the name of more parties than one, the receipt of one of the parties shall from time to time, be a sufficient discharge to the company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the company have notice of such trust, and the company shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

**24.** The chief place of business of the said company shall be at the city of Montreal; but the said company shall from time to time, and at all times hereafter, have power and authority, and they are hereby authorized to establish such and so many agencies in any part or portion of the dominion of Canada, or in England, and under such regulations for the management thereof, and to remove the same as the directors of the said company may deem expedient.

**25.** The company is authorized to loan and advance by way of loan or otherwise, on the security of immoveable property for a long term, sums of money to be repaid by way of annuities, or for a short term, with or without a sinking fund.

It shall be lawful for the company to deduct previously from the amounts of its loans a bonus, which shall not at any time exceed two per cent, which bonus may be retained at the outset, or distributed over the whole period for which the loan is made, and in the last mentioned case shall form part of the annuity, the whole as may be settled in the deed between the company and the debtor.

**26.** The annuity shall include :

1. The interest on the capital, which shall not exceed eight per cent per annum ;
2. The costs of management, which shall not be more than one per cent ;
3. The amount for the sinking fund.

The annuity shall be stipulated in the instrument of loan, or the deed executed by the debtor in favor of the company.

Rate of  
payment.

27. The rate of payment of the sinking fund shall be calculated so as not to last more than fifty years, with power nevertheless, to the borrower to acquit himself of the whole, or any part thereof, at any time, giving three months' notice of his intention; the rate of interest (if any) to be allowed by the company to its borrowers on payments made by them on account of sinking fund, shall be such as may be settled by the deeds between the company and its borrowers respectively.

Moneys re-  
quired in  
advance.

28. The company is authorized to require and receive semi-annually and in advance, all interests, costs of management and annuities arising from its loans and disbursements.

Anticipatory  
payment.

29. In case of anticipatory payment, the company shall not be bound to accept and receive any sum under ten per cent of the amount of any loan made, and may require an indemnity which shall be calculated on the difference between the rate of interest stipulated in the deed or in the obligation, and that of the mortgage bond or debenture in circulation at the date of the anticipatory payment, and on the length of time the obligation has still to run, but such indemnity shall not exceed one per cent per annum on the amount of the anticipatory payment, for such time as the obligation or deed might have to run, and shall not in any case exceed the losses which the company might incur in consequence of the said anticipatory payment; Nevertheless the sum proceeding from such anticipatory payments may be invested in furthering new loans.

Amount of  
hypothec,  
full privilege.

30. The company shall only lend and advance money on first hypothec of real estate, the value of which shall be at least double the amount of the loan and advance money; and any loan made on hypothec posterior only to the hypothec of the *rentes constituées* under the seigniorial act, or to any privilege or hypothec specially exempted from registration, shall be considered as made on first hypothec; And the loans and advances to be employed in paying off obligations or debts already registered, shall also be considered as made on first hypothec, when by the effect of such payment, or of the subrogation arising therefrom in favor of the company, the claim of this latter shall rank first and not concurrently with that of any other creditor; In this last case the company shall keep in hand the necessary amount to effect such payment, but the company may, if it thinks fit, take a deed of sale

Deed of sale  
as security.

of any immoveable property which it is desirous of having pledged to it as security in any transaction made, or to be made, and that subject to such clauses and conditions of lease and of reconveyance as may be settled in the deed between the company and its debtor, the clauses of such deed being indispensable and not comminatory. The company may possess any immoveable property so acquired during the whole of the time stipulated in the deed between it and its debtor; but if the company finally becomes the actual owner of any such immoveable property unconditionally, it shall dispose thereof within five years.

**31.** The company shall require that property liable to be destroyed by fire be insured at the expense of the borrower, unless the said company holds as security for its claim apart from such property other real estate worth double the value of the sum loaned, and which is not liable to be destroyed by fire; the deed of loan shall contain a transfer of the amount of the insurance in the event of loss, the property so pledged shall be kept insured during the whole term of the loan; the company shall have a right to have the insurance made in their own name and the annual premiums paid through their hands; in the case of a loan redeemable by annuity, such annuity may be increased by so much.

**32.** In the event of loss, the insurance money shall be paid directly to the company. During one year from the date of the settlement of loss, the debtor shall have the privilege of rebuilding. During that period the company may retain the insurance money, as security to the amount of their claims calculated up to the end of the year.

After the rebuilding, the company shall pay over the insurance money to the debtor, deducting, however, whatever may be due to it, and if, at the expiration of the year, the debtor has not availed himself of his right to rebuild, or if before that time, he has notified the company that he did not intend to avail himself thereof, thereupon the insurance money shall finally inure to the benefit of the company and shall be imputed on their claim as a payment by way of anticipation.

**33.** The anticipated payment which shall arise from loss by fire shall not give rise to the indemnity authorized by section 29 of this act in favor of the company; Nevertheless, whenever the company shall deem that by the effect of the loss, their security shall have been jeopardized, they shall have the right at any time to exact the payment of the balance due.

Effect of the  
mutation of  
properties  
affected.

**34.** Every mutation, either by sale, promise of sale, exchange, donation or other way, of any immoveable charged for the guarantee of any claim of the company shall confer upon the latter the right to exact at any time, the total payment of such claim without any notice or signification; unless the debtor shall, at his own expense, within a month's delay, deposit with the company a registered copy of the deed causing any such mutation, and the new proprietor of such immoveable shall pass in favor of the company, within the same delay and also at his own expense, a new deed or act acknowledging such claim, and have it duly registered; And in the event of such payment for want of compliance with any of the formalities hereinbefore enumerated, the company shall have a right to claim the indemnity authorized in their behalf by section 29 of this act.

Loan to cor-  
porations.

**35.** The company shall also have the power to loan and advance to municipalities, corporations and *fabriques* whatever sums they may be authorized to borrow according to the laws and by-laws by which they are governed.

Issue of  
debentures,  
&c.

**36.** The company for the purpose of procuring capital, is authorized to issue and negotiate mortgage bonds or debentures, (*lettres de gage*,) either in or out of this province.

How payable  
and made.

**37.** The mortgage bonds or debentures shall be payable either to order or to bearer, and shall bear interest; and the bearers of such mortgage bonds shall have for the payment of the amount thereof, a priority of claim on the capital of the company over all other creditors.

*Lettres de gage* payable to order shall be transferable by indorsement, without any other warranty on the part of the indorser than that he is the holder thereof in good faith.

Circulation  
of the debentures.

**38.** The company shall not issue mortgage bonds to a larger amount than that of its hypothecary mortgage claims, of which they shall be deemed to represent the value; and the amount paid in on the subscribed stock of the company shall be kept at all times at one-tenth at least of the amount of such bonds in circulation.

Form, &c.

**39.** The mortgage bonds shall be in sterling money or currency, and may be delivered in sub-divisions at the option of the directors, and as they may think best for their negotiation.

Interest coupons.

**40.** The directors may attach interest coupons to the mortgage bonds, and such interest shall not exceed eight per cent per annum.

41. A portion of these mortgage bonds, proportioned to the amount of the sinking fund paid in, shall be annually withdrawn from circulation, the number of those to be redeemed being ascertained by lot (*tirage au sort*), so that all the bonds which have been issued may be withdrawn from circulation at the expiration of the time fixed for their becoming due. Recovery of debentures.

42. The mortgage bonds so designated by lot, as well as those becoming due, shall be redeemed at par with interest in specie to the bearers, at the day and place appointed by the company in notices to that effect published in two newspapers, and they shall cease to bear interest from such day. Idem.

43. The mortgage bonds bearing different rates of interest, or payable at different periods, may be classified separately, and shall be redeemed proportionately to the amount received on the sinking fund, and applicable to each class. Classification thereof.

44. The company shall keep a book, to be called "the mortgage and debenture book," and in such book shall be successively entered the date of loans, and names, occupation and residence of borrowers; the amount of mortgage money advanced; the amount of mortgage bonds or debentures issued; the value, situation and extent of the real estate hypothecated as security, and all other brief particulars deemed necessary. Debenture book.

45. The company may receive deposits bearing or not bearing interest, and shall have the right of retaining from deposits the amount which shall be due by the depositor. Money received in deposit by the company may be invested in or loaned upon the debentures or other securities of this province, or in any municipal debentures. Power to receive deposits.

46. On the fifteenth day of january annually, or such day being a legal holiday, then on the next following day not being a legal holiday, there shall be a general meeting of the shareholders of the company for receiving a report of the state of affairs from the board of directors, electing the directors and transacting any other matter of general interest relating to the management of the company. Annual report.

47. All meetings of the company, or of the directors shall be presided over by the president, and in his absence, by the vice-president, and if both are absent, by a president *pro tempore*, chosen by the majority of the members present, and the cashier shall be *ex-officio* secretary of all such meetings, and in the absence of this latter, the assistant-cashier shall take his place, and the minutes of Meetings.

these meetings shall be made and inscribed in a book called "The record of the deliberations of the shareholders and of the directors," and shall be certified, attested and signed in such record by the president of the meeting, and by the secretary of that same meeting.

**Right to vote.** 48. At all meetings of the company every shareholder shall be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him.

**Debenture-holders not voters.** 49. No person shall, in right of any debenture, be deemed a shareholder, or be capable of acting or voting as such at any meeting of the company.

**Mode of voting.** 50. The votes may be given either personally or by proxy, every such proxy being a shareholder, authorized by writing under the hand of the shareholder nominating such proxy; and every proposition at any such meeting shall be determined by show of hands, or upon demand of any shareholder after such show of hands, by the majority of the votes of the parties present, including proxies, the chairman of the meeting being entitled not only to vote, but to have a casting vote if there be an equality of votes.

**Decision.**

**Proxy.** 51. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the clerk or cashier of the company two clear days before the holding of the meeting at which such instrument is to be used, and no person shall at any one meeting represent as proxy more than ten shareholders.

**Votes of copartners.** 52. If several persons be jointly entitled to a share, the person whose name stands first on the register of shareholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and on all occasions the vote of such first named shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share, and no proof of the concurrence of the other holders thereof shall be required.

**Power of the directors.** 53. The directors may, from time to time, make rules and by-laws for the transaction of the affairs of the company, which rules and by-laws shall be adopted at a general meeting of shareholders, and they shall have and may exercise the powers, privileges and authorities set forth and vested in them by this act, and they shall be subject to and be governed by such rules, regulations and provisions as

herein contained with respect thereto, and by the by-laws made and to be made for the management of the said company, and the directors shall and may lawfully exercise all the powers of the company except as to such matters as are directed by this act to be transacted by a general meeting of the company; they may call any general, special or other meetings of the company, or Meetings. of the directors which they may deem necessary; and they shall, upon requisition made in writing by any number of shareholders holding in the aggregate one-fifth part of the shares of the company, convene an extraordinary general meeting; and such requisition so made by the shareholders shall express the object of the meeting proposed to be called, and shall be left at the company's office, and if the directors do not convene such general meeting within twenty-one days from the date of the requisition, the requisitionists, or any other shareholders having the required number of shares, may themselves convene a meeting. Notice of Notice. all extraordinary general meetings shall be published in two newspapers published in the city of Montreal, the one in french and the other in english. The directors may use and affix or cause to be used and affixed the seal of the company to any document or paper which in Seal. their judgment may require the same; they may make Instalments. and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares Forfeiture. on which such calls are not paid; they may make any payments and advances of money as they may deem expedient, which are or shall at any time be authorized to be made by or on the behalf of the company, and enter into all contracts for the execution of the purposes of the company, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of the company for the time being, in such manner as they shall deem expedient and conducive to the benefit of the company, as if the same lands, property and effects were held General management. and owned according to the tenure, and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authority which may hereafter at any time be granted to the company by the legislature of this province, or for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said legislature in giving such further powers and authority, or in altering or repealing the same respectively, or any of them; but all the powers shall be exercised in accordance with and subject to the provisions of this act in that behalf; provided always that all real Proviso.



estate acquired and held by the said company in virtue of this act, except such as is necessary for the use and occupation of the said company, and the purposes thereof, shall be sold and realized at public auction or private sale by the company at any period not later than five years from the acquisition of such real estate.

Appointment  
of officers.

Salaries.

Security.

**54.** The directors shall name the cashier, assistant cashier and all other subordinate officers of the company, and shall fix their respective salaries and remuneration, and shall take from the cashier security for not less than five thousand dollars, and security for not less than two thousand dollars from any other officer having control of the cash or any monies of the company.

Entries in a  
book, re-  
quired.

Authenticity.

Books open  
for inspec-  
tion.

Dividends,  
limited.

Contingen-  
cies and  
improve-  
ments.

**55.** The directors shall cause notices, minutes or copies, as the case may require, of all appointments made or contracts entered into by the directors, to be duly entered in books to be from time to time provided for the purpose, which shall be kept under the superintendence of the directors; and every such entry shall be signed by the chairman of the meeting at which the matter in respect of which such entry is made was moved or discussed at or previously to the next meeting of the company or directors, as the case may be; and a copy of such entry so signed, shall be received as evidence in all courts, and before all judges, justices and others, without proof of such respective meeting having been duly convened or of the persons making or entering such orders or proceedings being shareholders or directors respectively, or of the signature of the chairman, and which last mentioned matters shall be presumed; and all such books shall at any reasonable time be open to the inspection of any of the shareholders.

**56.** The company shall not declare any dividend whereby their capital stock may be reduced, and shall not pay any dividend exceeding eight per cent per annum, as long as their reserve fund shall not have reached twenty-five per cent of the paid up capital stock.

**57.** Before apportioning the profits aforesaid, the directors may, if they think fit, set aside thereout such sums as they may think proper to defray preliminary expenses and to meet contingencies, or for enlarging or improving the estate of the company or any part thereof, or promoting the objects and purposes for which they are incorporated, and may divide the balance only among the proprietors, subject nevertheless to the provisions of the next preceding section relating to the reserved fund.

**58.** No dividend shall be paid in respect of any share until all calls then due in respect of that or any other share held by the person to whom such dividend may be payable, shall have been paid. Dividend.

**59.** To the payment of the expenses of the company shall be applied in the following order : Sums affected to the payment of expenses.

1. The amount received for preliminary expenses ;
2. The amount received for costs of management.

**60.** To the payment of the debts and losses there shall be applied in the following order : Debts and losses.

1. The revenues and profits ;
2. The reserve fund ;
3. The shares.

**61.** It shall be lawful for the directors from time to time to appoint such and so many officers, solicitors and agents, either in this province or elsewhere, and so many servants as they deem expedient for the management of the affairs of the company, and to allow to them such salaries and allowances as may be agreed upon between them and the company, and to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents and servants of the company, and for providing for the due management of the affairs of the company in all respects whatsoever, and from time to time to alter and repeal any such by-laws and make others, provided such by-laws be not repugnant to the laws of this province or to the provisions of this act ; and such by-laws shall be reduced into writing, and shall have affixed thereto the common seal of the company, and a copy of such by-laws shall be given to every officer and servant of the company, and any copy or extract therefrom certified under the signature of the cashier shall be evidence in all courts of justice in this province, of such by-laws or extracts from them, and that the same were duly made, and are in force ; and in any action or judicial proceedings it shall not be necessary to give any evidence to prove the seal of the company, and all documents purporting to be sealed with the seal of the company, shall be held to have been duly sealed with the seal of the same. Appointment of officers.  
Salaries.  
By-laws.  
By-laws make proof.  
Seal.

**62.** With respect to any notice required to be served by the company upon the shareholders, it shall be sufficient to transmit the same by post directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in due course of post within the period [if any] prescribed for the giving of such notice, and in order to prove the giving of such notice, it shall be sufficient to Service of notice by mail.

prove that such notice was properly directed, and that it was so put into the post-office.

Signature of  
the notices.

**63.** All notices required by this act to be given by advertisement in newspapers, shall be signed by the chairman of the meeting at which such notices shall be directed to be given, or by the cashier or other officer of the company, and shall be advertised in such newspapers as the directors shall order.

Authentica-  
tion of the  
documents.

**64.** Every summons, demand, or notice, or other such document requiring authentication by the company, may be signed by one director, or by the cashier of the company, and the same may be in writing or in print, or partly in writing and partly in print.

Signature of  
the deeds.

**65.** The president, or in his absence, the vice-president, and the cashier, or, in his absence, the assistant cashier, shall sign all deeds and documents to which the company shall be a party; and in the event of both the president and the vice-president, or both the cashier and the assistant-cashier, or all of them, being prevented from signing any such deed or document, either by absence, personal interest, or any other cause whatsoever, such deed or document shall then be signed by such person or persons as the board of directors shall authorize to that effect.

Interpreta-  
tion.

**66.** In this act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say: words importing the singular number shall include the plural number; and words importing the plural number shall include the singular number; the word "month" shall mean calendar month; the word "cashier" shall include the word "clerk"; the term "real estate" shall extend to lands, tenements, and hereditaments of any tenure; the word "company" shall signify "*Le crédit foncier du Bas-Canada*"; the word "dominion" shall mean "the Dominion of Canada"; the word "province" shall mean the "province of Quebec," the words "mortgage bonds or debentures" shall also apply to sub-divisions (*coupures*) of said mortgage bonds.

Elections and  
deeds legaliz-  
ed.

**67.** The elections heretofore made of directors of the company are hereby legalized and confirmed, as are also the nominations and appointments by them of the president, vice-president, notary and other officers of the company, and all deeds, documents and agreements entered into and executed by such directors or officers, on behalf of the said company, are also hereby confirmed

and shall be deemed good and valid, without prejudice to pending causes (if any.)

<sup>a</sup> 68. The said company shall be known as and under the Name of the name of "*Le crédit foncier de Montréal*," should the par- company. liament of Canada pass an act to change their name to that name; and this change of name shall be operated at such time as may be provided by such act.

## C A P . L X V .

An Act respecting the Canada Tanning Extract Company, (limited).

[Assented to 24th December, 1875.]

**W**HEREAS the Canada Tanning Extract Company, limited, have shown by their petition, that they have obtained under the statute of Great Britain, known as the companies act of 1862, an incorporation under the name of the Canada Tanning Extract Company, limited, to acquire and carry on the trade and business of manufacturing an extract of bark, for tanning, in the province of Ontario and elsewhere;

That the capital of the said company is £100,000 sterling, divided into ten thousand shares of £10 each;

That the said company have acquired lands and buildings and constructed large works and machinery, and acquired patents and patent rights, in the province of Quebec, where they carry on an extensive business and where most of their operations are carried on;

That it is expedient for the said company to carry on their operations, in the province of Quebec, that they should obtain an act confirming their existence and recognizing their incorporation;

That moreover, according to their charter and to the laws of Great Britain, under which they exist, the directors are authorized to borrow such sums of money as they may think proper, so that no more than £10,000 be owing at one time over and above such sums of money as may have been borrowed with the sanction of a general meeting; but that the company may in a general meeting authorize the borrowing of such sums of money, as it shall think fit;

That the money borrowed for the purposes of the company may be raised by a mortgage of the whole or any part of the company's property, or upon such terms or security, as the directors may think fit, and that there may be a stipulation, if approved by a general meeting, that the security may be converted into preference or other shares of the stock of the company;

That by their charter and by-laws they are authorized to mortgage their property, and to issue debentures, securing to the holders the benefit of such mortgages, or hypothecations, the company being bound to keep and register all such hypothecations in their office, in England ;

That by the law under which the said company has been incorporated, such mortgage can be effected by indenture of mortgage by the company made to trustees selected by the company, or in the interest of the parties, who intend to advance such sums of money, as the company may borrow, and the mortgage so given in favor of the said trustees, subsists for the benefit of the debenture holders, participating in such loan, and whereas it is expedient to legalize the hypothecation of the said company's real estate in this province ; therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Incorporation.

1. The said company under its name, to wit : "The Canada tanning extract company, limited," is recognized as a body politic and corporate, with power to sue and be sued, to plead and be impleaded in all the courts of this province, in the same manner as a corporation created by the legislature of this province.

Power of manufacturing extract of bark for tanning.

2. The said company shall have power and authority within the limits of the province of Quebec :

Or any other extract.

1. To acquire the trade and business of manufacturing an extract of bark for tanning, and the lands, buildings, patents, patent rights, licenses, trade secrets and privileges, machinery, plant materials, stock in trade, in respect of or in connection with the said manufacture, trade or business, or used for the purpose of carrying on the same ;

2. To carry on the trade or business of manufacturers and dealers in such extract of bark for tanning, or any other extract or production for like purposes, or any extract or production of bark ;

Goodwill.

3. To acquire the goodwill of, or any interest in, any trade or business similar or analogous to any trade or business which the company is authorized to carry on ;

Working of patents.

4. To acquire and work any patents, patent rights, licences or other privileges for the manufacture of such extract of bark for tanning or any other extract or production for a like purpose, or any extract or production of bark ;

Material for working, &c.

5. For the purposes aforesaid, to acquire and work all necessary machinery, materials and things, and to take on lease, purchase or otherwise acquire any land or buildings, or to erect any buildings for any of the purposes of the company ; provided that the value of the land (irrespec-

tive of buildings) held by the said company do not exceed one hundred thousand dollars ;

6. To develop, improve, manage, cultivate, maintain let, mortgage, sell or otherwise deal with and dispose of all, or any parts of, or of the produce of the lands, and real and personal estate, properties and effects of the company, in such manner and on such terms and for such purposes, as the company may think proper ; Management.

7. To amalgamate, unite or co-operate with any companies or associations already or hereafter to be established for, or engaged in objects similar or analogous to those of the company or to acquire for the benefit of the company, and in the name of the company or otherwise, any shares, stock or other interest in any such other company or association ; Amalgamation.

8. To do all such other things as are incidental or conducive to the attachment of the above objects.

9. The said company shall be regulated as to its capital shares, calls on shares, the transfer and transmission of shares, and forfeiture of shares, the conversion of shares, meetings, funds, directors, the duties of directors and their powers, and disqualifications, proceedings, the seal of the company, dividends, accounts and notes, by the articles of association which constitute its charter, and the said company shall have the right and power to carry out the dispositions of their charter and to hypothecate its property in the province of Quebec, and to that end, the said directors may, from time to time, borrow for the purposes of the company, such sums of money as they may think proper, so that no more than £10,000 stg. be owing at any one time, over and above such sums of money as may have been borrowed, with the sanction of a general meeting, but the company may in general meeting authorize the borrowing of such sums of money as it shall think fit. Government.

All money borrowed, for the purposes of the company, may be raised upon hypothecation of the whole or any part of the company's property within the province of Quebec, or upon such terms or security as the directors may think fit, and there may be a stipulation, if approved by a general meeting, that the security may be converted into preference or other shares or stock of the company. In the event of any money being borrowed for the purposes of the company, on the terms of the securities for such money being convertible into shares, the directors may create and issue such new shares either preferential, ordinary or deferred, as may be necessary for carrying such conversion into effect. Loans.

4. The said company, in order to carry out the authority to them appertaining to raise such money by hypoth- Security.

Issue of new shares in certain cases.

Power to hypothecate

for certain  
purposes.

ecation of the whole or any part of the company's property, upon such terms as the directors may think fit, may from time to time do so, by giving a hypothec to trustees selected by the company, or by the parties advancing such money, by indenture made and executed in England, according to the forms there acknowledged, embodying a description of the property hypothecated, as required by article 2042 of the civil code, and mentioning the issue and the amount of the debentures to be secured thereby; and thereupon the said company may issue debentures for such amount, which hypothec will exist for the benefit of such debenture holders; provided the same be registered as hereinafter provided.

Issue of de-  
bentures.

Transfer of  
hypothecs.

5. Such indenture of hypothec shall be attested by two subscribing witnesses and shall be executed in Parts and proved as required by articles 2141, 2142 or 2143 of the civil code, and shall be registered in the registration division in the province of Quebec in which such property so hypothecated is situate, together with a schedule in the form hereunto annexed, showing the number of debentures issued and the amounts thereof, secured by the said hypothec, the date at which the same falls due, and the yearly rate of interest payable thereon and the dates of payment thereof. One of the parts shall remain among the records of the registry-office and form part thereof; and a certificate of the registration shall be written upon the other duplicate.

Registration  
thereof.

6. The registration of such indenture shall secure to the holders of such debentures, the rank and privilege of a hypothec according to the laws of the province of Quebec, on the property so hypothecated; but all debentures secured by any hypothec shall rank concurrently.

Book kept for  
that purpose.

7. The registrar of such registration division as aforesaid, shall enter in a book kept for that purpose, at the request of the original holder or holders, or of any subsequent transferee or transferees of such debentures, the name of such original holder or holders, or of such subsequent transferee or transferees, and such holder or last registered transferee, in such book of registration, shall be deemed *prima facie* the legal owners and possessors thereof.

Fees of regis-  
trars.

8. The following fees shall be paid to registrars:—for the registration of each indenture \$10;—for registration of the name of the holder or transferee of any number of debentures not exceeding five, \$1; over five and not exceeding fifteen, \$2; over fifteen and not exceeding thirty, \$3; upwards of thirty, \$4;—for making search and examining entries connected therewith, \$2.

## SCHEDULE.

Number of Debentures,  
issued and amounts  
number, and amount  
of each debenture. Date at which they fall due.  
Rate of interest and date of payments.

## CAP. LXVI.

An Act to authorize the "V. Hudon Cotton Mills Company, Hochelaga," to issue debentures on the security of the property of the said company and for other purposes."

[Assented to 24th December, 1875.]

**W**HEREAS by letters-patent issued under the great seal of the province, on the 10th of february, 1878, a company having for its object the manufacture and sale of cotton, was incorporated under the provisions of the act respecting the incorporation of joint stock companies, 31 Vict., chap. 25, under the name of the "V. Hudon Cotton Mills Company, Hochelaga," with a capital of \$200,000; and whereas by supplementary letters-patent, issued on the 10th february, 1874, the said company was authorized to increase its capital stock to the sum of six hundred thousand dollars; and whereas the said company has been since its said incorporation, and now is in full operation; and whereas the directors of the said company have by their petition shown, that it would be advantageous to the said company to allow them in an easy and inexpensive manner to borrow, on the security of the property of the said company, the sums that may be required by them in the prosecution of their works, by permitting them to issue debentures constituting a mortgage on the property of the said company; and whereas the directors of the said company have also prayed for other powers; and, whereas it is expedient to grant the prayer of their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said "V. Hudon Cotton Mills Company, Hochelaga," is authorized to issue bonds or debentures, conveying a hypothec on their property, to the sum of \$250,000, in one or several distinct issues, as the directors may deem expedient. The company may issue debentures to the amount of \$250,000.

2. Every such issue of bonds or debentures shall, on pain of nullity, be decided upon and authorized by a such debenture.



tures shall be by-law of the directors of the said company ; and such authorized by by-law shall contain :  
by-law.

1. Mention of the amount up to which such debentures shall issue ;

2. An indication of the number in order of such issue so authorized, whether it is the 1st, 2nd or 3rd, &c. ;

3. The description, in accordance with the provisions of the civil code of Lower Canada, of the property hypothe- cated for the payment of such debentures ;

4. The time and place of payment of such debentures and the *coupons* thereof, and the rate interest not exceed- ing eight *per cent* that they bear.

Such by-law shall afterwards be approved by the shareholders of the said company, at an annual general or special meeting thereof, after fifteen days notice of such meeting having been given to the shareholders.

Such by-law shall be en- registered.

3. As soon as such by-law shall have been passed, and before any of the debentures the issue whereof has been so authorized shall have been issued, negotiated or placed in circulation, a copy of such by-law duly certified by the president and secretary of the said company, shall be en- registered in the office of the registration division in which are situated the immoveable property or properties to be affected for the payment of such debentures ; and all debentures thereafter issued in virtue of such by-law shall convey a hypothec, from the date of such enregis- tration against the said immoveable property or proper- ties in favor of any bearer thereof for the time being, without it being necessary to enregister the said, or any of the said debentures or to execute any other formality.

Debentures shall convey a hypothec from the date of such enre- gistration.

Debenture states the date of the enregistra- tion of the by-law.

4. Every debenture issued as aforesaid shall, under the certificate of the president and secretary of the company, state the date of the enregistration of the by-law authoriz- ing the issue thereof.

Order of the privilege of the debentures pro- ceeding from different issues.

5. If the debentures issued are issued at one time, for the total sum authorized by this act, they and each of them shall have an equal privilege upon the immoveable or immoveables affected for their payment ; but if they are of different issues, for less sums, those of the first issue shall each concurrently have the first hypothec upon the said immoveable or immoveables, those of the second issue the second hypothec and so on for the other issues.

The hypothec shall affect engines, looms, &c.

6. The word "immoveable" hereinabove employed shall mean not only the immoveable properties of the said com- pany, but also all engines, mills, looms and other ma- chines used by the said company, in and upon the said immoveable properties described in the by-law authorizing

the issue of the debentures, as being affected for the payment thereof.

7. Every debenture issued by the said company and made payable to bearer, or to a person therein named, or to the bearer, may be transferred by delivery; and such transfer shall convey the property therein to the holder, and shall give him the right to bring and maintain a suit at law upon such debenture in his own name; and every such debenture made payable to a person, or to a person, or his order, shall be transferable by the endorsement of such person; and such transfer shall transfer the property therein to the holder and shall give him the right to maintain an action upon the said debenture in his own name.

Debentures payable to the bearer transferable by delivery.  
Payable to order transferable by endorsement.

8. In any suit or action upon such debenture, it shall not be necessary for the plaintiff to allege or prove the manner in which he became the holder of such debenture; nor to allege nor prove the fulfilment of any of the formalities required for the issue of such debenture, but it shall be sufficient, if the plaintiff is described as the holder of such debenture, to allege briefly its legal effect and to make proof in consequence.

What shall be sufficient to allege in any suit upon debenture.

9. Every such debenture issued as aforesaid shall be valid and recoverable in its entirety, although it may have been negotiated at a rate under par, or at a rate of interest more than six *per cent per annum*.

Debentures valid in their entirety.

10. Whenever any debenture issued as aforesaid shall have been redeemed or paid by the said company, it shall be cancelled and annulled by the president and the secretary of the said company, by their writing across the same the date of such payment, and the name of the person to whom it was made payable, and by making such other marks upon it as the directors shall deem necessary; and the said company may afterwards, on presentation of such debenture or debentures to the registrar of the registration division in which the by-law authorising the issue thereof shall have been enregistered, together with a declaration sworn to by the president and the secretary of the company, certifying that such debentures have been paid and redeemed as aforesaid, shall obtain the striking out and discharge of the hypothec created by the enregistration of such by-law, up to the amount of such debentures so redeemed and cancelled.

Recovery and annulment of the debentures.  
Withdrawal of the hypothecs in consequence.

11. Notwithstanding the declaration in the letters patent incorporating the said company, that its affairs shall be managed by a board of five directors only, it shall be

Number of the directors

may be fixed  
de nine. lawful for the said company, by a mere resolution of its board of directors to increase such number, provided always that it shall not at any time be fixed at more than nine.

Qualification  
of the direc-  
tors. 12. The qualification of the directors of the said company established at \$5,000 by the letters-patent incorporating the same, shall be reduced to the sum of two thousand dollars.

Shares re-  
duced to \$100  
each. 13. The shares in the said company, which are at present \$500, shall for the future be only \$100 each; the capital of the said company shall consequently be \$600,000 divided into six thousand shares of one hundred dollars each; and any shareholders, owners of shares to the amount of five hundred dollars each, shall for the future be considered to be proprietors of the number of shares of \$100 sufficient to make the total sum of his capital, in the capital stock of the said company.

Act in force. 14. This act shall come into force the day of its sanction.

## CAP. LXVII.

An Act to authorize the Paton Manufacturing Company of Sherbrooke to issue Preferential Stock of the said Company.

[Assented to 24th December, 1875.]

Preamble.

WHEREAS the Paton manufacturing company of Sherbrooke, have by their petition represented that it is necessary in order to carry out their undertaking, that the capital stock of the said company should be increased by the issue of preferential shares, and have thereby prayed for the passing of an act for that purpose, and it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Increase of  
capital

1. The capital stock of the said company may be increased to six hundred and fifty thousand dollars, of which stock, five hundred shares, amounting to two hundred and fifty thousand dollars shall be preferential stock, and the holders thereof shall be entitled in each and every year to a dividend at the rate of ten *per cent*, *per annum*, before any dividend is declared or paid upon the balance of the stock of the company, which shall be known as ordinary stock.

Use of the  
balance of the  
profits.

After such rate is paid or set apart for dividends upon such preferential stock, the balance of profit applicable to

dividends shall be devoted to the payment of a dividend not exceeding the said rate of ten *per cent per annum* upon the ordinary stock, and after the payment of such rate of dividend on the ordinary stock, the whole capital stock shall rank equally in respect of dividends, provided that if in any year the holders of the preferential stock do not receive a dividend or dividends amounting to ten *per cent per annum*, the deficiency shall be made up in the future before any dividends are declared upon the ordinary stock, but without any interest upon any amounts so deficient; Provided also, that the increase of capital stock authorised by this section, shall not be made until a by-law to that effect shall have been adopted by two-thirds in value of the shareholders present or represented at a general meeting specially convened for the purpose of considering the same.

2. This act shall come into force immediately after its sanction.

### CAP. LXVIII.

An Act to incorporate "The St. Henri Gas Company."

[Assented to 24th December, 1875.]

**W**HEREAS Anthony Force, Aubery Fitch, and Alexander W. Ogilvie, all of the city of Montreal, in the province of Quebec, and Charles H. Nash, of Chicago, in the State of Illinois, and Kerr Murray, of Fort Wayne, in the State of Indiana, have by their petition prayed, that they and such others as hereafter may be associated with them in their enterprise, may be incorporated under the title hereinafter named, for the purpose of furnishing gas and other illuminating material to the said town of St. Henri and adjoining municipalities, exclusive of the city of Montreal, and it is expedient to grant the prayer of said petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said Anthony Force, Aubery Fitch, Alexander W. Ogilvie, Charles H. Nash and Kerr Murray, together with all such persons as now are or hereafter may become shareholders in the company hereby established, shall be a body politic and corporate to the ends and for the purposes in the preamble to this act stated, by the name of "the St. Henri Gas Company," and by that name shall have perpetual succession and a common seal, with power to break and alter the same,—and that name shall and may sue and be sued, implead and

be impleaded in all courts of law and equity, with power to purchase, take and hold real and personal property of every kind and description for the use of the said company, and the same to alienate and mortgage; provided always that the total annual value (over and above the works thereon erected) of the lands or real estate to be so acquired and held by the said company, shall not exceed the sum of ten thousand dollars.

Proviso.

Chief place of business.

2. The head office and chief place of business of the said company shall be in the town of St. Henri, but the company's works and business may be carried on or transacted in the said town of St. Henri, or in any of the neighboring municipalities exclusive of the city of Montreal with the consent of such town, and such other municipalities.

Capital stock.

3. The capital stock of the said company shall be the sum of one hundred thousand dollars divided into two thousand shares of fifty dollars each; the said capital stock may be from time to time increased as the wants of the company require, as hereinafter provided.

Provisional directors.

4. The said Anthony Force, Aubery Fitch, Alexander W. Ogilvie, Charles H. Nash and Kerr Murray shall be the first directors of the said company, with power to open stock books, allot stock, convene general meetings of the company at such time and place as they shall determine, and generally to do and perform all matters and things which any other board of directors is empowered to do, and any other act necessary and proper to be done to organize the company and conduct its affairs; and they shall continue in office until the first general meeting of stockholders hereinafter mentioned.

Commencement of operations.

5. The company may commence operations and exercise the powers hereby granted, so soon as fifty thousand dollars of the capital stock shall be subscribed and ten *per centum* thereon paid up; and over and above the said ten *per centum* paid up capital, any stock paid in part or in full, which may have been taken by parties conveying rights, privileges, rights to patents, or any real or personal property to the company, in part payment or in full payment for such rights, privileges, rights to patents or real or personal property, shall be held to have been so paid in cash, for the purposes of this section.

Annual meetings.

6. The first general meeting of stockholders shall take place at the said town of St. Henri on a day to be named by the said directors, but such meeting must be held within six months from the passing of this act, and the ensuing annual meetings shall be held on the same day.

in each year thereafter, at such a place and hour as may be appointed by the by-laws of the company, or by the directors in their default, but a failure to elect directors on the day and in the manner prescribed shall not dissolve the company, but such election may take place at any general meeting duly called for that purpose : and the retiring directors shall continue in office until their successors are elected.

7. At such first and subsequent meetings, five directors shall be elected to hold office, until their successors are appointed as above provided. Number of the directors.

8. Any three of the said directors, whether those appointed by this act or subsequently elected, shall form a *quorum*, and may exercise all the powers devolving upon and vested in the said directors. Quorum.

9. The shareholders of the said company shall be bound to pay the amount of their subscriptions as they may from time to time be called upon by the directors ; but the said directors shall only be bound to make calls at the times and in the manner they deem to be expedient for the purposes of the company, any law to the contrary notwithstanding. Calls.

10. It shall be lawful for the said company to break up, dig and trench so much and so many of the streets, squares, highways, lanes and public places within the limits of such municipalities, as may be necessary for laying down the mains and pipes to conduct the gas or illuminating material from the works, of the company to the consumers thereof, doing no unnecessary damage in the premises, and taking care as far as may be, to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places while the works are in progress. Execution of the works.

11. Where there are buildings within the said limits, the different parts whereof belong to different proprietors, or are in possession of different tenants or lessees, the company may carry pipes to any part of any building so situated, passing over the property of one or more proprietors, or in the possession of one or more tenants, to convey the gas or illuminating material to the property of another or in the possession of another. Idem.

12. The company may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same, doing as little damage as may be in the execution of the powers granted. Idem.

by this act, and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party, for all damages to be by them sustained, in or by the execution of the powers granted by this act; subject to which provisions this act shall be sufficient to indemnify the company, their servants, and those by them employed, for what they or any of them shall do in pursuance of the powers granted by this act.

Proviso.

Works, &c.

Control of the  
municipa-  
lities.

Inspection.

Offences.

Penalties.

**13.** The said company shall so construct and locate their works, and all apparatus and appurtenances thereunto belonging or appertaining, so as not to endanger the public health or safety, and the said works shall be subject to and bound by the existing by-laws of the corporation, and of the corporations of the municipalities hereinbefore mentioned, in so far as the said works may be situated within their respective limits; and the said gas works, apparatus and appurtenances shall, at all reasonable times, be subject to the visit and inspection of the municipal authorities of the corporation or corporations, within the limits whereof they are situated, reasonable notice thereof being previously given to the company; and the company, their servants and workmen, shall at all times obey all just and reasonable orders and directions they shall receive from the said municipal authorities, in that respect, under a penalty of not more than one hundred dollars nor less than five dollars, for each offence, in neglecting or refusing to obey the same—to be recovered at the suit and for the use of said municipality, in any court of competent civil jurisdiction.

Watchmen,  
lamps, &c.

Damages.

Costs.

**14.** In case the said company shall open or break up any street, square or public place, and shall neglect to keep the passage of the said street, square or public place, as far as may be, free and uninterrupted, to place guards or fences, with lamps, or to place watchmen, or to take every necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said streets, squares or public places, without unnecessary delay, or when notified so to do, by the town surveyor as hereinbefore provided, or to repair any damages that may have been caused to such street, square or public place, by reason of any work done therein by the said company, such company shall be responsible for all damages caused by such neglect, and the municipal authorities of the corporation interested, after notice in writing to the company, shall cause the duty so neglected to be forthwith performed, and may recover the costs thereof from the said company; and in default of payment of the said costs by the latter within one month after demand, they may be recovered by civil action in any court of competent jurisdiction.

**15.** If any person lays or causes to be laid any pipe or main belonging to the said company, or in any way obtains or uses its gas, or other illuminating material, without the consent of the company, he shall forfeit and pay to the company the sum of one hundred and twenty dollars, and also a further sum of four dollars for each day during which such communication remains, which sums, together with costs of suit in that behalf incurred, may be recovered by civil action, in any court of competent jurisdiction.

Laying  
pipes.

Penalty.

Costs.

**16.** If any person wilfully or maliciously breaks up, pulls down or damages, injures, puts out of order or destroys any main pipe, engine, pipe, plug or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing made and provided for the purpose aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down, or belonging to the said company; or in any wise wilfully do any other injury or damage for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works, or causes or procures the same to be done, or increases the supply of gas or other illuminating material agreed for with the company by increasing the number or size of the holes in the gas burners, or using the gas without burners, or otherwise wrongfully, negligently, or wastefully burning the same, or by wrongfully or improperly wasting the same, such person shall, on conviction thereof, before a justice of the peace, or any other person authorized to act in that capacity in the locality wherein the offence has been committed, be compelled to pay for the use of the company, a penalty not exceeding forty dollars, together with costs of prosecution, or be confined in the common gaol of the district for a space of time not exceeding three months, as to such justice shall seem meet.

Breaking up,  
&c.

Penalty.

**17.** Nothing in this act contained shall prevent any person from constructing any work for the supply of gas to his own premises.

Rights pre-  
served.

**18.** Neither the service nor connecting pipes of the said company, nor any meters, lustres, lamps, pipes, gas-fittings nor any other property of any kind whatsoever of the company, shall be subject to or liable for rent, notwithstanding article 1622 of the civil code, nor liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be, nor be in any way whatsoever liable to any person for the debt of any person, to and for whose use, or the use of whose house or building the same may be supplied by said company, not-

Properties of  
the company  
not subject to  
seizure for  
rent.



withstanding the actual or apparent possession thereof by such person.

Damaging  
pipes, lamps,  
&c.

Penalty.

Costs.

**19.** If any person, wilfully or maliciously, damages or causes, or knowingly suffers, to be damaged any meter, lamp, lustre, service pipe or fitting belonging to the said company, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meters or meters indicate less gas than actually passes through the same, such person shall incur a penalty to the use of the company for every such offence, of not less than four dollars, nor exceeding twenty dollars, and shall also pay all charges necessary for the repairing or replacing the said meter, pipes or fittings, and double the value of the surplus gas so consumed; such damages, penalties and charges to be recovered with costs as hereinafter provided.

Damaging  
pipes, post-  
plugs, &c.

Penalty.

**20.** If any person wilfully extinguishes any of the public lamps or lights, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, pedestal post-plug, lamp or other apparatus or thing belonging to the company, he shall forfeit and pay to the use of the company a penalty not less than four dollars, nor more than twenty dollars, and shall also be liable to make good all damages and charges, to be recovered with costs, as hereinafter provided.

Neglecting to  
pay the rate.

Supply of  
gas, stopped.

**21.** If any person supplied by the company with gas neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company or any person acting under their authority, on giving forty-eight hours previous notice, may stop the supply of gas from entering the premises of the person in arrear as aforesaid, by cutting off the service pipe or pipes, or by any such other means as the company or its officers see fit, and may recover the rent or charge due up to such time, together with the expenses of cutting off the gas, in any competent court, notwithstanding any contract to furnish for a longer time.

Power to  
enter into the  
houses, &c.

**22.** In all cases where the company may lawfully cut off and take away the supply of gas from any house, building or premises, the company, their agents and workmen, upon giving forty-eight hours previous notice to the person in charge or the occupier, may enter into the house, building or premises, between the hour of nine o'clock in the forenoon, and four o'clock in the afternoon, making as little disturbance and inconvenience as possible, and may remove and take away any pipe, meter, cock, branch, lamp, fitting or other apparatus, the property of, and belonging to the company, and any servant of the company duly authorized may, between the hours aforesaid,

enter any house in which gas has been taken, for the purpose of repairing and making good in any such house, building or premises, or for the purpose of examining any meter, pipe or apparatus belonging to the company or used for their gas; and if any person refuses to permit, or does not permit the servants and officers of the company to enter and to perform the acts aforesaid, the person so refusing or obstructing, shall incur a penalty to the company for every such offence, of forty dollars and a further penalty of four dollars for every day during which such refusal or obstructing shall continue, to be recovered with costs as hereinafter provided.

Refusing to permit.

Penalty.

**23.** All fines, penalties and forfeitures imposed by this act may be sued for and recovered with costs by the company either in the manner hereinbefore directed, or before a justice or justices of the peace in the district where the offence has been committed, on oath of any one credible witness.

Recovery of the penalties.

**24.** All actions for damages or penalties, or both, given by this act, shall be brought in courts having jurisdiction to the amount involved in such suit, unless otherwise provided by this act.

Mode of recovery.

**25.** In any action brought by or on behalf of the company, in any court, or in any proceedings before a justice of the peace, on behalf of such company, the president and any share-holder shall be competent witnesses, notwithstanding their interest in such suit or otherwise.

Share-holders may be witnesses.

**26.** The directors of the said company, if they see fit, at any time after the whole capital stock of one hundred thousand dollars above mentioned, shall have been subscribed and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount not exceeding two hundred and fifty thousand dollars which they may consider requisite, in order to the due carrying out of the objects of the company. Such by-law shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same shall be allotted. But no such by-law shall have force and effect until after it shall have been sanctioned by a vote of not less than two-thirds in amount of the shareholders, at a general meeting of the company, duly called for considering the same.

Increase of the capital stock.

**27.** "The joint stock companies general clauses act" shall apply and be part of this act, except in so far as it is in contradiction to, or inconsistent with any of the provisions of this act.

Joint stock comp. gen. c. act shall apply.

Conditions  
required.

**28.** The privileges and advantages granted to the company by this act shall cease and be of no effect if works are not established and in operation in virtue hereof, within three years from the passing of this act—capable of producing ten thousand cubic feet of gas *per diem*.

## C A P. L X I X .

An Act to incorporate the Women's Christian Association of Quebec,

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS the persons hereinafter mentioned have, by petition, represented that they and others for some time past have maintained, by voluntary contributions, a certain institution in the city of Quebec, known as "The Women's Christian Association of Quebec," for the purpose of receiving young women, who come as strangers to the city, obtaining for them board and employment, attending generally to their temporal and moral welfare, providing a reading room and library for young women, and premises where meetings of ladies connected with different benevolent institutions may be held, and for other benevolent purposes of a like nature, and have prayed that for the better attainment of its objects the institution may be vested with corporate powers; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Incorporation.

**1.** Mesdames Robert Cassels, Henry D. Powis, Joseph Whitehead, Richard M. Harrison, James Gibb, William F. Collins and Misses Emily Gillespie and Lucy E. Lamb, and such persons as are now or may hereafter be associated with them, in conformity with this act, and their successors, are hereby constituted a body corporate and politic with all the rights incident to corporations by the name of "The Women's Christian Association of Quebec."

Name.

General powers.

**2.** The said corporation shall have perpetual succession, and may have a common seal, with power to change the same if they think proper, and may under the said name contract, sue and be sued, and may acquire by any legal title, hold, possess, and enjoy, to and for the use of such corporation, any moveable or immoveable property which may be sold, exchanged, given or bequeathed to the said corporation, or to sell, hypothecate, convey, let or lease the same; provided always that such real estate shall not exceed the annual value of five thousand dollars, beyond that actually re-

Proviso.

quired for the use of the said corporation ; provided also, Proviso. that if the said corporation become possessed of real estate, exceeding the annual value of five thousand dollars, apart from that actually used by the said corporation, it shall be bound to sell such surplus property within three years from the acquisition of the same, and invest the proceeds thereof, in public securities of the Dominion, in stocks of chartered banks, mortgages, or other approved securities, for the use of the said corporation.

3. The officers of the said corporation, shall consist of a officers. president, four vice-presidents, a treasurer, a secretary and an assistant-secretary. The officers, with such other members as may be chosen for that purpose, shall form the committee of management of the association.

4. The said corporation shall have power to make a Power to code of by-laws, not inconsistent with the laws of this make by- province or of the Dominion, for fixing the terms of ad- laws. mission, for its committee of management, and determining or changing the number thereof, and for the general regulation and management of its affairs, which, when adopted at a regular general meeting, shall, until modified or rescinded, be equally binding as this act, upon the institution, its officers and members.

5. The by-laws of the said institution, not being con- Actual by- trary to law, shall be the by-laws of the said corporation, laws contin- until they shall be repealed or altered as aforesaid. ued.

6. The said corporation shall be bound to make an Report to the annual report to the legislature, containing a general legislature. statement of the affairs of the corporation, within the first twenty days of every session of the legislature.

## CAP. LXX.

An Act to incorporate "The Church Home," of Montreal.

[Assented to 24th December, 1875.]

**W**HEREAS the Most Reverend Ashton Oxenden, Lord Preamble. Bishop of Montreal, and Metropolitan of Canada and others, hereinafter mentioned, have by petition, represented that about twenty years ago, "the Church Home" was founded by the late Mrs. Fulford, during the lifetime of her husband the Most Reverend Francis Fulford, late Lord Bishop of Montreal, and Metropolitan of Canada, the object of this institution being, to afford an asylum to the aged and infirm members of the church of England,

and also a temporary home for convalescents from the general hospital, and that this institution has continued ever since to exist, and now exists under their control and management, and that of a general committee and sub-committee composed of ladies, members of the church of England ; and have prayed that the said institution be incorporated, with power to hold property and to receive donations, gifts and legacies in aid of the said institution, and for other purposes ; and whereas it is expedient to grant the prayer of the said petition ; therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Incorporation.

1. The Most Reverend Ashton Oxenden, lord bishop of Montreal and metropolitan of Canada, Mesdames Sarah Oxenden, Ann Anderson, Louisa Aspinwall Howe and Margaret Blackwood, and such other persons as now are, or may hereafter be associated with them, and their successors are hereby constituted and created a body corporate and politic with all the rights incident to corporations, by the name of "The Church Home."

Name.

General powers.

2 The said corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same when and as often as they shall think proper, and may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, in all courts and places whatsoever in this province, and by the same name they and their successors from time to time and at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain to and for the use of the said corporation all lands, or property, moveable or immovable, which may hereafter be sold, ceded, exchanged, given, bequeathed or granted, to the said corporation, or to sell, hypothecate, alienate, convey, let or lease the same, if need be, provided always that such real estate shall not exceed the annual value of five thousand dollars, beyond that actually required for the use of the said corporation ; provided also that if the said corporation become possessed of real estate exceeding the annual value of five thousand dollars apart from that actually used by the said corporation, it shall be bound to sell such surplus property within five years from the acquisition of the same, and invest the proceeds thereof in public securities of the dominion, stocks of chartered banks, mortgages and other approved securities for the use of the said corporation.

Proviso.

Officers.

3. The officers of the said corporation shall consist of a president, first directress, second directress, secretary and treasurer and a committee of management of not less

than ten members, and such other officers as shall, from time to time, seem necessary to the corporation. The foregoing officers shall be chosen from among the members of the said institution, and the president, first directress, second directress, secretary and treasurer, shall be *ex-officio* members of the said committee.

4. The said corporation shall have power to make by laws not inconsistent with the laws of this province, or of the Dominion, for fixing the terms of admission of its members, for the government of the same, for the election, and changing of the officers above named, and for the general regulation and management of its affairs, which by-laws, when formed and adopted at a regular meeting, shall, until modified or rescinded, be equally binding as this act, upon the institution, its officers and members.

Power to  
make by-  
laws.

5. The by-laws of the said institution, not being contrary to law, shall be the by-laws of the corporation hereby constituted, until they shall be repealed or altered as aforesaid.

Actual by-  
laws continu-  
ed.

6. Until others shall be elected according to the by-laws of the corporation, the present officers of the institution shall be those of the corporation.

Actual offi-  
cers continu-  
ed.

7. The said corporation shall be bound to make annual report to the legislature containing a general statement of the affairs of the corporation, which said reports shall be presented within the first twenty days of every session of the legislature.

Report to the  
legislature.

## CAP. LXXI.

An Act to incorporate the "Dunham Ladies' College."

[Assented to 24th December, 1875.]

**WHEREAS** the Most Reverend Ashton Oxenden, D.D., Lord Bishop of Montreal and Metropolitan, the Reverend David Lindsay, M. A., the Reverend Wm. Henderson, M. A., the Honorable Thos. Wood, M. L. C., J. B. Gibson, M. D., W. W. Lynch, Esq., M.P.P., and G. B. Baker, Esquire, M.P.P. and others, have, by petition, prayed that an act of incorporation be passed for the purpose of establishing and conducting a seminary of learning, of a collegiate character, for the education of the daughters of the clergy and laity of the Church of England, in Canada, under the name of the "Dunham Ladies' College," and whereas it is expedient to grant such prayer; Therefore,

Preamble.

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Incorporation.

Name.

1. A body politic and corporate shall be and is by the present act constituted and established in the village of Dunham, in the district of Bedford, under the name of "The Dunham Ladies' College," which shall consist of the Most Reverend the Lord Bishop of Montreal, for the time being, and his successors in office, the clergy of the several parishes and missions, in connection with the Church of England, within the limits of the deanery of Bedford, *ex-officio*, and one layman for each parish or mission in said deanery, who shall be elected annually by the several vestries of the said parishes and missions, at their annual meetings on Easter Monday.

Power to make by-laws.

2. The majority of the corporation for the time being, shall have power and authority to make and pass such statutes, rules, orders and by-laws, not contrary to the present act, or to the laws in force in this province, as they may deem useful or necessary in the interests of the said corporation and for the government thereof, and they may from time to time modify, repeal and change such statutes, rules, orders and by-laws, or any of them, as they may deem useful, for the management of the said institution.

General powers.  
Seal.

3. The said corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same at their will and pleasure, and the said corporation may, under the same name, contract and treat, sue and be sued, implead and be impleaded, summon and be summoned in all courts of law and places whatsoever in this province, and shall have power without any other authority to acquire by purchase, donation or otherwise, to receive by will, hold, possess, take and accept for the purpose of the said corporation, all lands, tenements or hereditaments, and moveable and immoveable property, as also to sell, lease, change, alienate and dispose of the same, and to acquire others in their place, for the above mentioned purpose ; provided always, that the annual net revenue, fruits and profits from all immoveable property of the said corporation, other than the lands on which are erected the buildings and dependencies of the said college, and those which may be acquired in the vicinity of the said buildings, and which shall be adjacent to the lands already possessed by the said college, shall not at any time exceed the annual sum of ten thousand dollars current money of this province. In the event of the said corporation, receiving by donation or legacy any immoveable property, over and above that which it is allowed to possess, such donation

Revenues limited.

Legacies, &c.

or legacy shall not on this account be null, but the said corporation shall within the seven years next after taking possession thereof, be obliged to sell or alienate the said immoveable property, or its other immoveable property, so as not to exceed the amount hereinbefore specified.

The said corporation shall also have power to appoint an attorney or attorneys to manage its affairs, and generally it shall enjoy all the rights and privileges of other bodies corporate and politic recognized by the legislature.

4. And all property which shall at any time be possessed by the said corporation as well as the revenues arising therefrom shall be always appropriated and applied solely to the advancement of education in the said college and for no other purpose, institution or establishment whatever, not attached or dependent thereto.

5. The real estate in the said village of Dunham, with the college and its dependencies being thereon constructed, as well as the moveable property of the said college, the whole as now possessed by the Lord Bishop of Montreal, are by the present act with the consent of the said Lord Bishop of Montreal, vested in the corporation established by this act.

6. All subscriptions heretofore made for the erection and endowment of the said "Dunham Ladies' College," shall be, and are hereby declared to be to all intents and purposes as lawful, and binding upon the subscribers, as if this act had been previously passed.

## CAP. LXXII.

### An Act to incorporate the "Compton Ladies' College."

[Assented to 24th December, 1875.]

**W**HEREAS the Right Reverend James William Williams, D. D., Lord Bishop of Quebec, has represented that a college for the education of young ladies has been established in the village of Compton, in which instruction has been given for some time, and of which the said Lord Bishop of Quebec is trustee, and that wishing to give it a permanent governing body, he hath prayed that corporate powers may be conferred on the said college; and that in consideration of the advantages already derived, and to be derived from the said establishment, it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:



Incorporation.

Name.

Persons forming part thereof.

Purposes of said corporation.

Election of trustees.

Number of such trustees.

Term of office of the actual trustees.

Of their successors.

Power to make by-laws.

1. A body politic and corporate shall be and is by the present act constituted and established in the village of Compton, in the township and county of Compton, under the name of "The Compton Ladies' College," which shall be composed of the Lord Bishop of Quebec, *ex officio*, who shall always be president of the said corporation, and of four others to be from time to time appointed as hereinafter provided; who together with the Lord Bishop of Quebec, shall be trustees of the said Compton Ladies' College, and the first members of the corporation of the said Compton Ladies' College shall be together with the Lord Bishop of Quebec, *ex officio*, the Reverend Henry Roe, professor of divinity in Bishop's College, Lennoxville, the Honorable Matthew Henry Cochrane, senator, of Compton aforesaid, Robert Herbert Smith, of the city of Quebec, Esquire, merchant, and the Reverend John Foster, missionary at Coaticook.

2. The purposes of the said corporation shall be to maintain and perpetuate the college which has been established in the village of Compton for the education of young ladies, of which the Lord Bishop of Quebec is the trustee.

3. The successors of such last-named four trustees shall be elected from time to time, as hereinafter provided, by the synod of the Anglican diocese of Quebec.

4. Such synod of the diocese of Quebec is hereby empowered, if it shall see fit, by a canon duly enacted for that purpose, to increase the number of such elected trustees to any number not exceeding twelve in all.

5. Two of the above four last-named trustees shall hold office only till their successors are elected by the synod of the diocese of Quebec, at its now next ensuing regular session; the remaining two of the four last-named trustees shall hold office till their successors are elected by such synod of Quebec, at the session next following; and the two trustees who shall so retire from office first shall be the Reverend Henry Roe and the Reverend John Foster; but the successors of such trustees, and all subsequent trustees, shall hold office for four years, and until their successors are duly elected by such synod of the diocese of Quebec. All retiring trustees may be again chosen by the synod of the diocese of Quebec as aforesaid.

6. The majority of the corporation for the time being, shall have power and authority to make and pass such statutes, rules, orders and by-laws, not contrary to the present act, or to the laws in force in this province, as

they may deem useful or necessary in the interests of the said corporation and for the government thereof, and they may from time to time modify, repeal and change such statutes, rules, orders and by-laws, or any of them, as they may deem useful, for the management of the said institution.

7. The said corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same at their will and pleasure, and the said corporation may, under the same name, contract and treat, sue and be sued, implead and be impleaded, summon and be summoned in all courts of law and places whatsoever in this province, and shall have power to acquire by purchase, donation or otherwise, to receive by will, hold, possess, take and accept for the purpose of the said corporation, all lands, tenements or hereditaments, and moveable and immoveable property, as also to sell, lease, change, alienate and dispose of the same, and to acquire others in their place, for the above mentioned purpose; provided always, that the annual net revenue, fruits and profits from all immoveable property of the said corporation, (other than the lands on which are erected the buildings and dependencies of the said college, which lands have a superficial area of six and a quarter acres, more or less, and those which may be acquired for the use and purposes of such college in the vicinity of the said buildings, and which shall be adjacent to the lands already possessed by the said college,) shall not at any time exceed the annual sum of ten thousand dollars current money of this province; And in the event of the said corporation, receiving by donation or legacy any immoveable property, over and above that which it is allowed to possess, such donation or legacy shall not on this account be null, but the said corporation shall within the five years next after taking possession thereof be obliged to sell or alienate the said immoveable property, or its other immoveable property, so as not to exceed the amount hereinbefore specified.

To have a seal, &c.

To acquire.

Proviso.

Revenues, limited.

Legacies, &c.

8. All property which shall at any time be possessed by the said corporation as well as the revenues arising therefrom shall be always appropriated and applied solely to the advancement of education in the said college and for no other purpose, institution or establishment whatever, not attached or dependent thereto.

Use of the revenues.

9. The real estate of about six and a quarter acres in superficies above mentioned, with the college and its dependencies thereon constructed, as well as the moveable property of the said college, the whole as now pos-

Investment of the college, &c.

essed by the Lord Bishop of Quebec, are with the consent of the said Lord Bishop of Quebec vested in the corporation established by this act.

Report to the  
Synod.

10. The said corporation shall lay before the synod of the diocese of Quebec annually a report exhibiting the financial and educational condition of the institution.

Detailed  
statement  
furnished to  
lieut.-gov.  
when re-  
quired.

11. It shall be the duty of the said corporation to submit to the lieutenant-governor when thereunto required by him the said lieutenant-governor, a detailed statement of the number of members of the said corporation, of the number of professors employed in the various branches of instruction, of the number of pupils receiving instruction, of the course of study followed and of the immoveable property possessed by it, and of the revenues arising therefrom.

### C A P. L X X I I I.

An Act to declare and define the powers of the Trustees of the Free Church, côté street, of Montreal, in respect of its property.

[Assented to 24th December, 1875.]

Preamble.

WHEREAS the elders and deacons constituting the "Deacons Court" of the Free Church, Côté street, in the city of Montreal, in connection with the "Presbyterian Church in Canada," have by their petition represented that the said church is not conveniently situated; and that the question of changing its locality and selling the property on which it stands, is under consideration in the congregation thereof, and whereas doubts exist whether section seven of the act respecting the union of certain Presbyterian Churches therein named, 24 Vict., chapter 124, apply to the said case, and whereas the said petitioners have prayed that the powers of the said congregation in respect of the said property may be more clearly defined, and it is expedient to grant the prayer of the said petition and quiet the said doubts; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

24 Vict., c.  
124, s. 7, shall  
apply to Free  
Church.

1. Notwithstanding anything in the deed of acquisition of the property in Côté street, in the city of Montreal, now known and described upon the *cadaastre* of Saint Lawrence ward of the said city under the number six hundred and fifty-seven, to wit, in that certain deed of sale and conveyance executed on the thirteenth day of june, one thousand eight hundred and forty-eight, at Montreal aforesaid, by John Redpath, of the said city of

Montreal, esquire, of the one part, and Adam Stevenson, and seven others, as trustees, of the other part, before Maitre W. Ross and his colleague, notaries, the seventh section of that certain act above mentioned of the parliament of the late province of Canada, duly made and passed in the twenty-fourth year of Her Majesty's reign, intituled: "An act respecting the union of certain Presbyterian Churches therein named," shall apply to the said Free Church, Oôté street, and to the property thereof; and therefore upon obtaining the consent of the congregation thereof, or of a majority present of those entitled to vote at a meeting convened to consider the matter, the existing trustees of the said church may exercise any or all of the powers mentioned or referred to in the said seventh section of the said act; provided always that the exercise of such powers be first sanctioned by the presbytery of Montreal of the Presbyterian Church in Canada.

Power of the trustees.

Proviso.

#### CAP. LXXIV.

An Act to enable the Rector and Churchwardens of Saint Stephen's Church, of the Parish of Saint Stephen, in the Diocese of Montreal, to sell the said church and the property on which it is built, and to erect a new church elsewhere.

[Assented to 24th December, 1875.]

**W**HEREAS the Rector and Churchwardens of Saint Stephen's Church, in the parish of Saint Stephen, in the diocese of Montreal, have by their petition set forth:

Preamble.

That by deed of donation made and executed on the twentieth day of april, eighteen hundred and forty-three, before J. J. Gibb and his colleague, notaries public, John Crooks, of the said city of Montreal, miller, gratuitously and irrevocably gave, granted, conferred, transferred, conveyed, assigned and made over unto the Reverend John Bethune, doctor of divinity, rector of the parsonage or rectory and parish church of Montreal, and his successors in office, the rectors of the said parsonage or rectory, and parish church of Montreal, from thenceforth for ever, those certain lots or emplacements situate in the fief Nazareth, and known and distinguished on the ground plan of the said fief, by the numbers one hundred and fifty-three and one hundred and fifty-four, being contiguous, and bounded in front by Dalhousie street, in the city of Montreal, in this province, in rear by lots numbers one hundred and thirteen and one hundred and fourteen, and on one side by the property of one Robinson, and on the other side by lot number one hundred and fifty-five, and

containing said two lots ninety feet in front by ninety feet in depth, and containing a superficies *in toto* of eight thousand one hundred feet, in trust to and for the uses and purposes of the United Church of England and Ireland, and especially for the erection thereon of a church for the performance of divine worship and the administration of the sacraments, and of other rites and ceremonies of the said united church.

That a church was accordingly erected and still subsists on the said lot, called and known as Saint Stephen's Church, and which has been at all times devoted to the performance of divine worship according to the rites and ceremonies of the said church;

That the said lots of land so given and granted as aforesaid, are presently known and designated as lot number sixteen hundred and thirty-six on the official plan, and in the book of reference of Saint Ann's ward, of the said city of Montreal, within which ward they are situate;

That under the powers conferred on "The Synod of the Diocese of Montreal," by the act of the legislature of this province, 35 Victoria, chapter 19, the said Synod divided the said parish of Montreal into several parishes, one whereof was designated by the said Synod to be the parish of Saint Stephen;

That the aforesaid property and church are situate within the said parish of Saint Stephen, and, by virtue of the said subdivision of the said parish of Montreal, became and were, and are now vested in the said petitioners and their successors in office;

That in the judgment of the said petitioners and of the members of Saint Stephen's Church, it is expedient to sell the said lot of land and the church thereon erected, and apply the proceeds of such sale towards the erection of a church, to be also called Saint Stephen's Church, on the lot of land called and known as lot number eighteen hundred and seventeen, on the official plan and in the book of reference of the said Saint Ann's ward, presently vested in the said Reverend Thomas Trife Lewis Evans, as such rector of said Saint Stephen's Church, under and by virtue of a deed of donation to him, made and executed by John Harris, esquire, of the said city of Montreal, on the twenty-first day of June, eighteen hundred and seventy-five before James Smith, notary public; And whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Power to sell  
a certain lot  
in Montreal.

1. The said rector and churchwardens of the said Saint Stephen's Church and their successors in office, are hereby authorized, by and with the consent of the Lord Bishop of Montreal, to sell the said lot of land numbered

sixteen hundred and thirty-six on the official plan and in the book of reference of Saint Ann's ward, of the said city of Montreal, and the church presently erected thereon, and called and known as "Saint Stephen's Church," and other appurtenances thereto belonging, either at public auction, or by private sale, for cash or on credit, or part cash and part credit, secured in such manner as to them the said rector and churchwardens and their successors shall seem meet, and as they may deem most advisable, and to execute and convey an absolute title thereto, to the purchaser or purchasers thereof, and to receive payment of the purchase money and grant all necessary acquittances and discharges therefor.

2. The purchase money to be derived from the said sale shall be applied by the said rector and churchwardens, and their successors in office, towards the erection of a church to be also called "Saint Stephen's Church," on the said lot of land numbered eighteen hundred and seventeen, on the official plan and in the book of reference of the said Saint Ann's ward, but no person or persons, body or bodies politic, who shall purchase the said lot six hundred and thirty-six and the said church thereon, and other appurtenances, shall be in any way bound to see to the application, or be answerable for the non-application of the said purchase money, or any part thereof.

Use of the price deriving from the sale.

3. The said property so acquired for the purposes of erecting a new church as also the church and other buildings to be thereon erected, shall be vested in the said rector and churchwardens of Saint Stephen's Church and their successors in office in trust for the uses and purposes ecclesiastical of the said parish of Saint Stephen.

Purpose of such acquisition.

## CAP. LXXV..

An Act to incorporate "The Canadian Club" of Montreal.

[Assented to 24th December, 1875.]

**W**HEREAS the persons hereinafter named, with a large number of others in the city of Montreal, have associated themselves for the establishment of a club for social purposes, and have prayed to be incorporated by the name of "the Canadian Club," and it is expedient to grant the prayer of their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

1. The following persons, namely, G. Maurice Lafrance, Esq., Patrick O'Meara, Esq., Alfred Brunet, Esq.,

Incorporation.

**Name.** Joseph N. Pauzé, Esq., and Hector Lamontagne, Esq., and such other persons as are now members or shall hereafter become members of the said association, under the rules and regulations of the said association, shall be and are hereby declared to be a body politic and corporate in deed and in name by the name of "the Canadian Club," for the above purposes, and shall, by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, exchange, take and receive, to them and their successors, all lands, tenements and hereditaments, and all real or immoveable estates being and situate in the city of Montreal or its vicinity, necessary for the actual use and occupation of the said corporation for the purpose for which they are created, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof, whensoever the said corporation may deem it proper so to do, but such real estate shall not exceed the annual value of ten thousand dollars currency; and the constitution, rules and regulations now in force touching the admission and expulsion of members and the management and conduct generally of the affairs and concerns of the said association, in so far as they are not inconsistent with the laws of this province, shall be the constitution, rules and regulations of the said corporation; provided always, that the said corporation may, from time to time, alter, repeal and change, in whole or in part, such constitution, rules and regulations in the manner provided by the constitution, rules and regulations of the said corporation.

**Power to acquire, &c.**

**Annual value, limited.**

**Use of the properties held in trust.** 2. All property and effects now owned by, or held in trust for the said association, are hereby vested in the said corporation and shall be applied solely to purposes of the said corporation, and all debts, claims for subscriptions or contributions of members and other rights accruing to the said association under its constitution, rules and regulations, shall be vested in the corporation constituted by this act; and the said corporation shall be charged with the liabilities and obligations of the said association.

**Liabilities, limited.** 3. No member of the corporation shall be liable for any of the debts thereof, beyond a sum which shall be equal to the amount of the original entrance fee and the respective share of every member in the amount of the subsequent contributions or divisions, which might hereafter be levied or allotted between all the members of the club for the time being, in equal shares, and which might remain unpaid by such member; and any member of the corporation, not being in arrears, may retire therefrom, and shall cease to be such member, on giving notice to that effect in such form as may be required by the constitution.

**Power of the members of the corporation to retire therefrom.**

**Notice.**

tion, rules and regulations thereof, and thereafter shall be wholly free from liability for any debt or engagement of the club; and every member expelled or retiring from the club, or whose name shall have been struck out of the list of members, for any of the reasons mentioned in the constitution, rules and regulations of the club, shall, *ipso facto*, forfeit all rights of membership.

Effect of the  
retirement  
or expulsion.

4. The said corporation shall have power to appoint such officers, administrators and servants as may be required for the due management of its affairs, and to allow them respectively a reasonable and suitable remuneration; and all the officers so appointed may exercise such other powers and authorities, for the due management and administration of the affairs of the said corporation, as may be required of them by the constitution, rules and regulations of the said corporation.

Officers.

5. The rents, revenues and profits arising out of every description of moveable and immoveable property belonging to the said corporation shall be appropriated and employed to the exclusive use of the said corporation, to the construction and repairs of the buildings required for the purposes of the said corporation, and to the payment of expenses legitimately incurred in carrying out any of the objects relating to the aforesaid purposes.

Use of the  
revenues.

6. This act shall come into force the day of its sanction.

Act in force.

## C A P . L X X V I .

An Act to incorporate the Musical Band of the Village of Lauzon.

[Assented to 24th December, 1875.]

**W**HEREAS there exists in the village of Lauzon, an association whose aim is to found a musical band, and whereas the persons forming the said association have prayed for an act of incorporation, and it is just to grant the prayer of their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

1. The Reverend E. Fafard, priest, F. X. Couillard, L. P. Patry, Jean Julien, Dr. Wm. Lamontagne, T. N. Couillard, Dr. A. A. Marsan, Thomas Bégin, Edouard Bergeron, and all other persons who are now, or who may hereafter become members of the said association, are hereby constituted a body politic and corporate, under the name of the "Musical Band of the Village of Lauzon,"

Incorporation.

Name.



Power to  
acquire,  
limited.

and under such name, may at all times acquire and possess for them and their successors, real and immoveable property for the requirements of the said corporation, not exceeding in annual value, the sum of one thousand dollars, and may hypothecate or alienate the same; and the said corporation may, from time to time, enact and establish such rules and by-laws, which shall not be contrary to this act, or the laws of this province, as it shall deem useful or necessary for the interests of the said corporation and the management of its affairs, and may change, modify or repeal the same.

Power to  
make by-  
laws, &c.

Actual by-  
laws conti-  
nued.

Proviso.

2. The rules and by-laws which are already established for the government of the said society shall be and continue to be the rules and by-laws of the said corporation, until they are changed, modified or repealed under the authority of the present act, provided they be not contrary to the laws of this province.

Irregular  
conduct.

3. The said association shall have the right to ordain that any musician whose conduct shall be irregular shall leave the band and return within a delay of eight days into the hands of the band-master, the instrument which he has received from the society, under the penalty of a fine of not more than two or less than one dollar, for each day during which he shall so refuse and neglect to return the said instrument after the expiry of the said delay, or of imprisonment for thirty days, or of both at once, in the discretion of the judge, the said fine recoverable to the benefit of the said musical band in the ordinary manner.

Power to  
annul sub-  
scription.

4. The said association shall also have the right to annul, without repayment, the share of any musician which he shall have subscribed and paid, on proof before the committee of the band, of the irregular conduct of such musician, or if such musician shall have abandoned the band without giving notice thereof to the committee.

## CAP. LXXVII.

An Act to incorporate the "Young Irishmen's Literary and Benevolent Association" of Montreal.

[Assented to 24th December, 1875.]

Preamble.

WHEREAS, the persons hereinafter mentioned have, by petition, represented that they and others for some time past have maintained by voluntary contributions a certain institution in the city of Montreal, known as the "Young Irishmen's Literary and Benevolent

Association," for the purpose of the diffusion of knowledge by means of debates, essays, recitations, music, and the cultivation of a social and fraternal spirit, and the mutual benefit of its members in the time of sickness or death, and for the due celebration of the festival known as St. Patrick's day, and have prayed that for the better attainment of its objects the association may be vested with corporate powers; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. J. Hogan, priest, director, Thomas Burke, William P. McNally, Edward Tobin, P. J. Brennan, John F. Campbell, James Downes, James Murphy, Thomas Mulcair, John Mulcair, James McGuire, James McCarreys, Daniel O. Shaughnessy, William Doheny, Joseph Boyle, C. McDonnell, P. H. Shea, P. Enright, and such persons as are now, or may hereinafter be associated with them in conformity with this act, and their successors are hereby constituted a body politic and corporate with all the rights incident to corporations by the name of the "Young Irishmen's Literary and Benevolent Association." Incorporation.

2. The said corporation shall have perpetual succession and may have a common seal, with power to change the same if they think proper, and may, under the same name contract, sue and be sued, and may acquire by any legal title, hold, possess and enjoy to and for the use of such corporation, any moveable or immoveable property which may be sold, exchanged, given or bequeathed to the said corporation, or to sell, hypothecate, convey, let or lease the same; provided always that such real estate shall not exceed the annual value of five thousand dollars beyond that actually required for the use of the said corporation, provided also, that if the said corporation shall become possessed of real estate exceeding the annual value of five thousand dollars, apart from that actually used by the said corporation, it shall be bound to sell such surplus property within three years from the acquisition of the same, and invest the proceeds thereof in public securities of the Dominion, in stocks of chartered banks, mortgage or other approved securities for the use of the said corporation. Seal.  
Power to acquire, &c.  
Annual value, limited.  
Proviso.

3. The officers of the said association shall be: a reverend director, a president, first and second vice-presidents, treasurer, recording-secretary, corresponding-secretary, collecting-treasurer, assistant-collecting-treasurer, librarian, assistant-librarian, marshall, and a hall committee of nine. Officers.

Power to  
make by-  
laws.

4. The said corporation shall have power to form a code of by-laws not inconsistent with the laws of this province for fixing the terms of admission of its members, for the election and guidance of its officers and committee of management; and determining or changing the number thereof, and for the general regulation and management of its officers which, when adopted at a regular general meeting, shall, until modified or rescinded, be equally binding as this act upon the association, its officers and members.

Actual by-  
laws, conti-  
nued.

5. The by-laws of the said association not being contrary to law, shall be the by-laws of the said corporation until they shall be repealed or altered as aforesaid.

Report to the  
legislature.

6 The said corporation shall be bound to make an annual report to the legislature, containing a general statement of the affairs of the corporation, within the first twenty days of the session of the legislature.

## CAP. LXXVIII.

An Act to incorporate "The St. Patrick's Literary Institute of Quebec."

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS an institute called the "St. Patrick's Catholic and Literary Institute" has been in existence in the City of Quebec, for over twenty-two years; And whereas it is expedient to accede to the prayer of the members thereof, asking that it be incorporated under the name of "The St. Patrick's Literary Institute"; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Incorporation.

1. Jeremiah Gallagher, John Lane, William H. Laroché, Thomas Coolican, Thaddeus J. Walsh, Jeremiah Horan, John O'Dowd, John Dunn, Robert H. McGreevy, John Deegan, Owen Murphy, John Hearn, Robert Behan, Maurice O'Leary, Edward Burke, Edward Crean, William Quinn, Honorable Thomas McGreevy, M. P., Thomas Duhig, Robert Gamble, William Kirwin, Michael McNamara, Patrick W. McKnight, Francis McLaughlin, Patrick C. Murphy, Patrick M. Partridge, James A. Quinn, James Rafferty, John Roche, Mathew F. Walsh, John O'Leary, Patrick Shee, Mark McLaughlin, William Maguire, M. D., and such other persons as now are, or may be hereafter associated with them in conformity with this act, and their successors, are hereby constituted and created a body corporate and

politic, with all the rights incident to corporations, by the name of "The St. Patrick's Literary Institute" for Name. the purposes of education and for the advancement of the sciences and literature.

2. Within six months of the coming into force of this act, the said corporation shall be bound to make an inventory by notary of all the property now belonging to it, valuing moveables and immoveables, and any of the present members wishing to withdraw from the said corporation shall have the right to do so and claim their share of the net property of the said corporation; this intention to withdraw and claim their share shall be made in writing within six months after the completion of the aforesaid inventory. Inventory of the properties.

2. The said corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same, when and as often as they shall think proper, and may, under the said name, contract, and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted in all courts and places whatsoever in this province; and by the same name, they and their successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain, to and for the use of the said corporation, all lands and property, moveable and immovable, which are now held in trust for it, or which may hereafter be sold, ceded, exchanged, given, bequeathed or granted to the said corporation, provided that the annual revenue of the said corporation do not exceed ten thousand dollars; or to sell, alienate, convey, let or lease the same if need be. General powers. Power to acquire, &c. Annual revenues, limited.

3. The officers of the said corporation shall consist of a president, vice-president, one secretary, a treasurer, a committee of management not to exceed five in number, and such other officers as shall, from time to time, seem necessary to the corporation. The said nine to be chosen by the association at an annual meeting called for that purpose between the first of february and first of march of each year, and the said nine shall choose their officers as above from among themselves at a subsequent meeting. The persons hereinafter named to wit: Jeremiah Gallagher, Thomas Coolican, Jeremiah Horan, Thaddeus J. Walsh, John Dunn, William H. Laroche, John O'Dowd, John Deegan, Robert H. McGreevy and John Lane, shall be a provisional committee for the purpose of carrying out the provisions of this act, namely: the preparing the necessary by-laws, and calling a meeting of the members of the said corporation for the purpose of electing officers. Officers. Annual meetings. Provincial committee.

Power to  
make by-  
laws.

4. The said corporation shall have power to pass by-laws not inconsistent with the laws of the province for fixing the terms of admission of its members, for the government of the same, for the election of, changing and altering the officers above named, and for the general regulation and management of its affairs, and for carrying out the object of the said act of incorporation, which by-laws, when passed and adopted at a regular meeting, shall, until modified or rescinded, be equally binding as this act upon the corporation, its officers and members.

## CAP. LXXIX.

An Act to incorporate "*Les Frères du Sacré Cœur.*"

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS the Reverend *frère* Jean François Bererd, in religion *Frère Arnauld*, Joseph Courtines, in religion *Frère Sauveur*, Jean Firmin Fournier, in religion *Frère Théophile*, Auguste Tressol, in religion *Frère Théodule*, and James Tyler, in religion *Frère Francis*, and others, *Frères et Religieux du Sacré Cœur*, residing at Arthabaskaville, form a body whose object is to propagate the Christian Religion, and to teach in and direct academies or commercial colleges; and whereas in order to consolidate their establishment and favor its prosperity and progress, they have prayed to be constituted a corporation enjoying civil and political rights; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Incorporation.

1. The above named petitioners and all other persons who may in future be legally associated with them in virtue of the present act, are hereby constituted a body politic, and shall form a corporation under the name of "*Les Frères du Sacré Cœur.*"

Name.

General powers.

2. The said corporation shall, under the same name, have perpetual succession, and shall have all the rights, powers and privileges of other corporations, and particularly of those having a religious, spiritual or moral object. It may at all times admit other members and establish them in one or more places. It may also, at all times and places by purchase, gift, devise, assignment, or loan, or in virtue of this act, or by any other lawful means and legal title, acquire, possess, inherit, take, have, accept and receive any moveable and immoveable property whatever, for the usages and purposes of the said corporation, and the same may hypothecate, sell, lease, farm out, exchange,

Power to  
acquire.

alienate, and finally lawfully dispose of, in whole or in part, for the same purposes; provided that such immovable property shall not exceed in annual value, the sum of ten thousand dollars, over and above the value of the immovables used for the purposes of the said corporation; and provided also that if the said corporation shall become possessed of real estate, exceeding the annual value of ten thousand dollars, as aforesaid, it shall be bound to sell such surplus property within five years from the acquisition of the same, and to invest the proceeds thereof in mortgages or other valid securities.

Annual revenues, limited.

Power to acquire.

3. The said corporation shall have full power and authority to make, establish and sanction rules, regulations and by-laws, not contrary to this act, or to the laws in force in this province, but which it may deem necessary or advantageous for its proper administration either for the admission, resignation or the changing of the residence of its members, or for the acquisition, possession, administration and alienation of its moveable and immovable properties; or, lastly, for the appointment, removal from office and changing of its superiors, administrators, *procureurs*, directors or other officers, to whom it may confer or restrict its authority and powers to govern in its name, and to manage its affairs under its responsibility. It shall also have full power and authority to amend, correct and repeal, in whole or in part, the same rules, regulations, statutes and by-laws, and to substitute others in lieu thereof.

Power to make by-laws.

4. All moveable and immovable property whatever belonging to the said community shall be and are by this act devolved upon the said corporation, and the said corporation shall be charged with all the debts and obligations of the said community; but the members of the said corporation shall not be held personally responsible of its obligations.

Properties vested in the said corporation.

5. The said corporation shall be obliged to report upon the state of its affairs to the lieutenant-governor in council, annually, twenty days before the meeting of parliament.

Report to the legislature.

## CAP. LXXX.

An Act to incorporate the "*Frères des Ecoles chrétiennes*."

[Assented to 24th December, 1875.]

**W**HEREAS the Reverend *Frères* Victor Nicolas Vi-  
gueulles, in religion *Frère* Armin Victor, visitor for

Preamble.

Canada, Jean Routhier, in religion *Frère* Flamian, director of the principal house in Montreal, Pierre Louis Lesage, in religion *Frère* Adelbertus, director of the community *des anciens*, at Montreal, Joseph Panneton, in religion *Frère* Christian of Mary, director of the noviciate, at Montreal, and Jean François Narcisse Dubois, in religion *Frère* Aphraates, director of the principal house, at Quebec, have, by their petition, represented that the institute of the *Frères des Ecoles Chrétiennes*, has for its object the christian education of the young and various works of christian charity, and that it now has under its control educational establishments in the principal towns of this province; whereas the said institute desires to extend the range of its teaching, improve the material conditions of its educational establishments, and to found new ones in which to impart superior education in commerce, industry and agriculture; and whereas it has prayed to have the powers of a corporation enjoying civil and political rights conferred upon it; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Incorporation.

Name.

1. The petitioners and the *Frères des Ecoles Chrétiennes*, and those who shall hereafter be lawfully joined to them, are constituted a body politic and corporate and shall form a corporation under the name of "*Les Frères des Ecoles Chrétiennes*" with all the usual civil and political rights, privileges, immunities and powers belonging to corporations.

General powers.

Right to acquire, &c.

Annual value, limited.

2. The said corporation, under the same name, shall have perpetual succession and shall enjoy all the rights, powers and privileges of other corporations, and particularly of those whose object is spiritual, religious or moral. They may, at all times increase their number with other members, and establish them in one or more places. They may also at all times and places, by purchase, donation bequest, cession, loan, or in virtue of the present act, or by any other lawful title, acquire, possess, inherit, take, hold, accept and receive any property moveable and immoveable whatever, for the uses and purposes of the said corporation, as also to hypothecate, sell, lease, farm out, exchange, alienate and finally dispose legally of the same, in whole or in part, for the same purposes; provided that such immoveables shall not exceed in annual value the sum of twenty thousand dollars, over and above the value of the immoveables occupied for the purposes of the said corporation; and provided also that if the said corporation become proprietor of immoveable property, exceeding in annual value the sum of twenty thousand dollars as aforesaid, it shall be obliged to sell such surplus property within five years from the date of so acquiring the same,

and to invest the proceeds, in mortgages or other lawful securities.

3. The said corporation shall have a common seal and shall have full power and authority to enact, establish and sanction rules and regulations, orders and statutes not contrary to the present act, but which it shall deem necessary or useful for its good government either for the admission, discharge, change and domicile of its members, or for the acquisition, possession, management and alienation of its moveable and immoveable properties. It shall also have full power and authority to amend, correct and repeal, in whole or in part, the said rules, regulations, orders and statutes and in their place to substitute others.

Power to  
have a seal  
and to make  
by-laws.

4. The *Frère Visiteur* for Canada, the *Frère Directeur* of the principal establishment at Montreal, the *Frère Directeur* of the noviciate of Montreal, and the *Frère Directeur* of the principal establishment at Quebec, shall always be the council of management and shall be the sole administrators of the said corporation, of which they shall be the sole attorneys and agents, under and in conformity with the rules and statutes of their order actually in force and in operation, in the said institute, and which shall hereafter come into force, in accordance with changes made, in conformity with the constitution of the said institute then in force, and no other member of the said corporation shall be named or form the said council of management, nor be a member thereof, and the said council shall be called and known as "the council of management of the *Frères des Ecoles Chrétiennes*," and as such shall make all deeds and agreements which it may deem in the interest of the said corporation, and which shall be obligatory upon the said corporation, without any of the members of the said corporation, having the power to contravene the same in any manner whatever; and the said council of management may delegate its powers to one of its members, and the acts of the person thus authorized shall also be as binding, as if made and passed by the council of management itself.

Council of  
management.

Its name and  
powers.

5. No member of the said corporation shall under any circumstances whatever exercise for himself rights of property in the property of the corporation, nor the possession thereof, such power being bestowed and attributed solely to the council of management, and the said corporation under the direction of the council of management, shall be charged with all the debts and obligations of the communities of the *Frères des Ecoles Chrétiennes* contracted in the name of the said corporation solely, in conformity with section 4 of the present act; but the members of the said corporation shall not be held personally liable for its obligations.

Rights of  
property, by  
whom exer-  
cised.

Members not  
personally  
liable.



Report to the  
legislature.

6. The said corporation shall be obliged to report upon the state of its affairs to the lieutenant-governor in council annually, twenty days before the meeting of Parliament.

# CAP. LXXXI.

## An Act to incorporate the College of *Notre-Dame, Côte des Neiges.*

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS the Reverend Fathers Camille Lefebvre, Julien Gastineau, Amédé Guy, and Messrs. Louis Derve, *dit Frère Stanislas*, and Donald McDonnell, *dit Frère Gabriel*, all religious of the congregation of *Ste. Croix*, have, by their petition, to the legislature of the province of Quebec, represented that for several years they have fixed, at *Côte des Neiges*, near Montreal, their chief establishment, the object whereof is the instruction of youth in all the branches of classical, commercial, industrial and agricultural education, the direction of the orphanages, of missions and of the instruction by the noviciate of persons who have in view the object aforesaid; and whereas they have prayed that the powers of a corporation be conferred upon the said institution, and whereas in view of the advantages which may result therefrom, it is expedient to grant such prayer; therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Incorporation.

1. The said establishment, composed of the said petitioners, and of those who hereafter shall legitimately be aggregated to it, is constituted into a body corporate and politic, under the name of the "*College of Notre-Dame, Côte des Neiges*," and the number of the members thereof shall be at no time less than five.

Name.

Seal.

2. The said corporation may have a common seal with power to alter, change and renew the same, when and so often as it shall deem expedient.

Suits.

3. The said corporation may sue and be sued in all courts of justice, in this province, in the same manner as any other body politic and corporate.

Power to acquire.

4. The said corporation may, at any time, purchase, acquire, hold, possess, occupy, have, take and receive, for itself and its successors, for the use and objects of the said corporation, all lands, tenements, hereditaments, moveables and immoveables whatsoever, and it may sell, alienate, transfer and assign the same, and purchase

others in lieu thereof; provided always that the net Revenues, rents or revenues arising from the real estate of the said corporation, may not, at any time, exceed the annual sum of ten thousand dollars. <sup>limited.</sup>

5. The majority of the members of the said corporation shall have power and authority to make and pass such statutes, rules and regulations, not contrary to the laws in force in this province, as it shall deem to be useful or necessary for the interests of the said corporation, or for the government thereof, or for the admission or resignation of its members, and it may, at any time, modify, repeal and alter the said statutes, rules, orders and regulations, or any of them. <sup>Power to make by-laws.</sup>

6. The majority of the members of the said corporation may appoint one or more administrators for the management of the affairs of the said corporation. <sup>Management of the affairs.</sup>

7. From and after the coming into force of this act, all the real and personal estate, dues, rights and assets of the said establishment of *Côte des Neiges*, up to that time possessed and administered by and in the name of "the civil society of the provincial house, of the college of *Notre-Dame, Côte des Neiges*," shall become the property of the said corporation of the "college of *Notre-Dame, Côte des Neiges*," and the said corporation shall, at the same time, become liable for all the debts, charges and obligations of the said civil society, which shall thereafter cease to exist. <sup>Certain properties transferred.</sup>

8. It shall be the duty of the corporation, whenever thereunto required, to submit to the lieutenant-governor a detailed statement of the real estate possessed thereby under this act, and of the revenue arising therefrom. <sup>Report to the legislature.</sup>

9. This act shall come into force on the day of the Act in force, sanction thereof.

## CAP. LXXXII.

An Act to incorporate the College of St. Césaire.

[Assented to 24th December, 1875.]

**W**HEREAS there exists in the village of St. Césaire, <sup>Preamble.</sup> county of Rouville, province of Quebec, an educational establishment known under the name of the Commercial College of St. Césaire, in which for upwards of six years have been taught all the branches of a complete commercial education, both french and english, whereas several of the principal citizens of that locality have, by

their petition prayed that the said establishment be incorporated under the name of the Commercial College of St. Césaire, so as to establish it on a firm basis, and whereas such an institution would be very advantageous to the parish of St. Césaire and the public in general, and it is expedient to accede to the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Incorporation.

**1.** The Reverend Joseph André Provençal, *curé* of St. Césaire, the provincial of the community of the *Religieux de Ste. Croix* in Canada, with power to appoint delegates to represent them at meetings of the said corporation, and three members to be chosen by the provincial, from the *religieux* staff of the college of St. Césaire are hereby constituted a body politic and corporate in fact and in name, under the name of the "Corporation of the commercial college of St. Césaire" and, under such name, may, from time to time, and at all times hereafter, purchase, acquire, hold, possess, exchange, sell, accept and receive for them and their successors, to and for the uses and purposes of the said corporation, or for the education of the young, all lands, tenements and hereditaments situate in this province and necessary for the use and actual occupation of the corporation, or all constituted or other rents, in the said province, and they may sell and alienate the same and acquire others by any lawful title whatever, for the same purposes, but the annual value thereof shall at no time exceed five thousand dollars, and they shall have full power and authority to make and establish such orders, rules, regulations and by-laws, as they may deem necessary for the good management and government of the said commercial college and the administration of the property thereof; provided however, that such rules or by-laws shall not be contrary to the rules, canons and constitutions of the roman catholic church and the rules, constitutions and ordinances of the *majeurs* superiors of the community of Ste. Croix.

Name.

Power to acquire, &c.

Annual value, limited.

Model farm.

**2.** The said corporation may acquire and possess, and receive by bequest or otherwise, real property of sufficient size to establish a model farm, the purposes thereof being also to teach practical agriculture.

Report to the legislature.

**3.** The said corporation shall, at all times, when thereunto required by the lieutenant-governor or either branch of the legislature, make a complete report of the moveable and immoveable property thereof, as also of the annual receipts and expenditure.

## CAP. LXXXIII.

An Act to constitute the community of the nuns of the *Précieux Sang de Notre-Dame de Grâce*, diocese of Montreal.

[Assented to 24th December, 1875.]

**W**HEREAS there has existed for more than one year, Preamble.  
in the parish of *Notre-Dame de Grâce*, in the county of Hochelaga, in the diocese of Montreal, a branch of the community of nuns, known as *Sœurs du Précieux Sang de St. Hyacinthe*, whose members aim at devoting themselves in common to works of piety and charity consistent with the contemplative life led by them; and whereas the said branch or community of the *Précieux Sang de Notre-Dame de Grâce*, have through their superior and other officers hereinafter named, represented to the legislature, that the incorporation of the said community would assure and increase the advantages derived therefrom, and have prayed to be incorporated according to the rules and regulations hereinafter mentioned; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Mesdames Herminie Bourdon, known as *Sœur Marie* Incorporation.  
*du St. Esprit*, Superioress; Amélie Davignon, known as *Sœur Marie de l'Eucharistie*, assistant; Marie Pormélie Duguay, known as *Sœur St. Alphonse*, mistress of the novices:

Mary McManamy, known as *Sœur Marie du Crucifix*, depositary;

Olympe Bourdon, known as *Sœur Marie Réparatrice*;

Joséphine Morin, known as *Sœur St. Hyacinthe*;

Mélanie Gatien, known as *Sœur St. Louis de Gonzague*;

Marie Louise Hudon, known as *Sœur St. Jean l'Evangéliste*:

all now members of the community of the *Précieux Sang de Notre-Dame de Grâce*, and all other persons who may hereafter become members of the said community shall be, and they are hereby constituted a body politic and corporate, under the name of the "Nuns of the *Précieux Sang de Notre-Dame de Grâce*, Montreal," and under such name shall have perpetual succession and a common seal, and Name.  
Seal.

may for the ends and purposes of the said community acquire, hold, possess, accept and receive for themselves and the persons who shall succeed them, all moveable and immoveable property which may hereafter be sold, ceded, given and bequeathed to the said corporation for its use and the purposes of the said community, and the same to sell, lease and acquire others in place thereof for the same purposes, provided that the annual value of Power to acquire, &c.

the said property shall not exceed the sum of five thousand dollars, exclusive of the buildings necessary for the said community, and the land upon which the same are or may be built.

Use of the  
revenues.

2. Provided always that the rents, revenues and profits arising from every description of moveable and immoveable property belonging to the said community, shall be appropriated and used solely for the purposes of the said community.

Power to  
make by-  
laws.

3. The said community shall have full power and authority from time to time, to make by-laws and rules (not contrary to this act or the laws of this province) for the government of the said community, and for the management and administration of all the moveable and immoveable property belonging or which may hereafter belong to the said corporation.

Quorum.

4. Three members of the said corporation, the superior, the assistant, and the depositary, shall constitute a quorum for the establishment of rules and by-laws, and for the transaction of all business of the corporation.

Agent or  
attorney.

5. The said quorum may appoint an agent or attorney, and remove him at pleasure, and appoint another in his place to represent the said corporation, and take charge of and defend the interests thereof before any court of justice, and this by a simple delegation signed by the persons forming the said quorum; and it is understood that the powers of such agent or attorney shall extend only to the matters, and for the purposes mentioned in such delegation and to no other or further purposes.

Their powers.

Report to the  
legislature.

6. It shall be the duty of the said corporation, when thereunto required by the lieutenant-governor, to submit to His Excellency, and to each branch of the legislature of this province, a detailed statement of the funded and real property held and owned by them under the present act.

#### CAP. LXXXIV.

An Act to incorporate the congregation of the nuns  
“ *Carmélites déchaussées de Rimouski.* ”

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS there is now at Saint Germain de Rimouski a congregation of *Religieuses Carmélites déchaussées*, with a noviciate formed, under authority of *Monseigneur* the Bishop of St. Germain de Rimouski;

And whereas the said *religieuses* have represented that it is necessary that they be incorporated civilly, as well to receive the gift and grant of the convent and lands which they now occupy in the town of St. Germain de Rimouski, which the said bishop has promised to give them by a formal deed of donation, as to secure to their convent the necessary revenue which it requires, and whereas great advantages would arise from establishing this community on a sure basis, it is expedient, to grant the prayer of their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Mesdames Anna Teresa Mudd, known as *Sœur Joseph du Cœur de Jésus*, prioress of the said convent, Anna Maria Fitzpatrick, known as *Sœur Michel de Jésus-Marie-Joseph*, sub-prioress, Marie Antoinette Langevin, known as *Sœur Térésa de Jésus*, Elizabeth Repig, known as *Sœur Marie de l'Incarnation* and Joséphine Parent, known as *Sœur Jean du Sacré-Cœur*, novice de cœur, and all other persons who may hereafter become members of the said convent, in conformity with its rules and under the authority of the said bishop, shall be and are, by this present act, constituted a body politic and corporate under the name of "*Carmélites déchaussées de Rimouski*," and under such name shall have perpetual succession and a common seal, and for the end and purpose of the said convent may acquire, have, possess, accept and receive, for themselves and their successors, any moveable and immoveable property which may hereafter be sold, ceded, given and bequeathed to and for the uses and purposes of the said convent, and the same to sell and lease, and to acquire others in their place for the same purposes.

Incorporation.

Name.  
Seal.

Power to  
acquire, &c.,

2. Provided always that the rents, revenues and profits, arising from any moveable or immoveable property of any kind, belonging to the said convent, shall be exclusively appropriated and employed for the purposes thereof and for the payment of the expenses which may be incurred for legitimate objects relating to the above mentioned purposes; provided always that the annual revenue of such properties does not exceed the sum of ten thousand dollars.

Use of the  
revenues.

Revenues  
limited.

3. The said convent, as a corporation, shall have full power and authority to make, from time to time, rules and by-laws (not contrary to the present act or to the laws of this province), for the government of the said corporation and for the admission of persons into the said convent, and for their rejection, in conformity with their rules and by-laws, and the same to amend.

Power to  
make by-laws.

Report to the  
legislature.

4. The said corporation shall be obliged to report upon the state of its affairs to the lieutenant-governor in council annually, twenty days before the meeting of the legislature.

# C A P . L X X X V .

An act to authorize the roman catholic bishop, or the roman catholic episcopal corporation of Montreal, to sell an immoveable destined by the will of the Reverend Louis Marie Lefebvre, for the establishment of an hospital in the parish of Ste. Geneviève.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS by his will in authentic form, received at Montreal before Mtres. E. Moreau and A. Lyonnais, notaries, on the 27th of august, 1861, the Reverend messire Louis Marie Lefebvre, then *curé* of Ste. Geneviève, in the district of Montreal, and now deceased, bequeathed to His Grace the roman catholic bishop of Montreal, and to his successors in the said episcopal see, a lot of one hundred arpents in superficies, with a house and other dependencies, situated in the said parish of Ste. Geneviève, on condition that the said legatee should convert the said house into an hospital or house of refuge, for aged and infirm persons; the said house to be, if possible, placed under the management of the *Religieuses de la Providence* or of the *Dames Grises* of Montreal;

Whereas by an olograph codicil of the said testator made at Ste. Genevieve on the 1st of july, 1869, duly admitted to probate and verified before the prothonotary of the superior court for Lower Canada, for the district of Montreal, on the 11th of april, 1872, the said Reverend Louis Marie Lefebvre substituted for the said *Dames Grises* and *de la Providence*, the *Dames Religieuses de Ste. Anne* of Lachine, seeing that they already had a convent in the said parish of Ste. Geneviève;

And whereas the said *Dames religieuses de Ste. Anne* of Lachine cannot accept the management of the said hospital or house of refuge, and the burden of maintaining the same, unless it be united to the house already possessed by them in the said parish; and whereas for this purpose, and to assure the maintenance and prosperity of the said hospital or house of refuge, and thus to fulfil more efficaciously the intentions of the testator, it is expedient to sell the said immoveable and to apply the price thereof to the support of the said institution; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. His Grace the roman catholic bishop of Montreal, his successors in the said Episcopal see, or the roman catholic episcopal corporation of Montreal, as far as needs be, are by the present act, authorized to sell on the terms and conditions and for the price that they may deem most advantageous, the immoveable bequeathed by the will of the late Reverend messire Louis Marie Lefebvre, to found an hospital in the parish of Ste. Geneviève, in the said district of Montreal, and described as follows in the said will:

"A certain piece of land situate and being in the said parish of Ste. Geneviève, containing about one hundred arpents in superficies and bounded in front by the river *des Prairies*, in depth by the *Côte St. Charles*, on one side by widow Bernard Paiement and on the other side, partly by Jean-Baptiste Damon, Theodore Pressault and by Guillaume Gamelin Gaucher, with a stone house of one story and attics, of seventy-two feet in front by about forty feet in depth, and barns and other dependencies thereon erected," to receive the price of the said sale and give a discharge therefor, to stipulate that all or a portion of the said purchase price be paid in cash, or by instalments, with interest at the rate they may deem advisable to stipulate.

Roman Catholic bishop, authorized to sell certain property for certain purposes.

Description.

2. Any deed of sale of the real estate, drawn up and signed before a notary by the said roman catholic bishop, or by the said roman catholic episcopal corporation of Montreal, shall have the effect of transferring the absolute property in the said immoveable, to any purchaser in whose favor such deed may have been passed, and to constitute for such purchaser, a perfect title to the said property.

Effect of the signature of the bishop to the deed

3. The acknowledgment in the said deed, by the said bishop or the said corporation, that the purchase price has been paid in whole or in part, or any notarial discharge subsequently granted by the said bishop or by the said corporation, for the whole or part of the said purchase price, and for the interest accrued thereon, shall have the effect of totally or partially discharging the purchaser of his purchase price; and the enregistration of such deed of discharge shall free the said immoveable of all hypothecs resulting from the said sale, for securing the payment of the said purchase price.

Effect of the acknowledgment by said bishop.

4. The roman catholic bishop, or the roman catholic episcopal corporation of Montreal, as the case may be, shall make such use of the said purchase price as they may deem best in the interest of the said hospital or house of refuge; provided always that the purchaser of the said immoveable shall in no manner be obliged to oversee the said

Use of the price of sale, &c.



employment of the said money, nor shall the said immovable remain in any manner affected to insure the judicious use of the said purchase price; provided also that any portion of the said purchase price may always be left on the said immovable by the said vendors, if they deem it advisable, and that the repayment thereof with interest may be guaranteed by hypothec and by the privilege of *bailleur de fonds*, constituted by the purchaser on the said immovable.

Interpreta-  
tion.

5. Nothing in this act contained shall in any way modify the duties and obligations imposed by the said will, either upon any of the said legatees, or upon the testamentary executors therein named, and all the provisions of the said will and of the codicils thereto, with the exception of the change by this act authorized, shall have their full effect, as if the present act had not been passed.

#### C A P . L X X X V I .

An Act to authorize the sale of certain property substituted by the last will and testament of Dame Maria Orkney.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS Mrs. Maria Orkney, widow of her first marriage of the late Frost Ralph Gray, in his lifetime of the city of Quebec, Esquire, merchant, and of her second marriage of the late Joseph Morrin, in his lifetime of the city of Quebec, Esquire, physician, by her last will and testament duly executed in notarial form on the 26th day of May 1868, before Ed. Glackemeyer and another, notaries public at Quebec and enregistered in the registry office for the city and district of Quebec, did devise and bequeath among other things as follows: "I do hereby give and bequeath unto Frost Wood Gray and Maria Gray my two children issue of my marriage with the said late Frost Ralph Gray, the usufruct and enjoyment during their lives, of all the property I may die possessed of, without any reserves or exceptions, to be possessed and enjoyed by them in common, *par indivis*; on the death of either of them the said usufruct shall continue between the survivor of the two, and the children of any of the first deceased; if there be no children issue of the first deceased, then the survivor shall have the said usufruct and enjoyment of all the said property I may die possessed of, until his or her death; and as to the proprietary right in all the property I may die possessed of, I do hereby give and bequeath the same unto the children issue of my said two children, by equal

halves to each family, to wit: the children of my said son taking one half, and the children of my daughter taking the other half, their possession of my said property, so far as the proprietary right is concerned, only taking place after the decease of both my said son and daughter; and whereas it is represented by the petition of Frost Wood Gray and Maria Gray, now the wife of Arthur Gascoyne Chapman, that it is to the interest of the said petitioners, and of the children, that a certain property in the city of Quebec, situated in d'Auteuil street, in the said city, and being the house and premises designated on the Cadastre of St. Louis Ward, as the Cadastral number 2679 be sold, and the proceeds invested for the purposes of the said will, and praying to be authorized to make such sale; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the legislature of Quebec, enacts as follows:

1. The executors of the will of the said Maria Orkney, after being authorized thereto, by a judge of the superior court, on the advice of the relations and friends, and with the assistance of the curator to be appointed to the substitution created by the said will, are hereby fully authorized to sell and convey the said lot of ground and premises, with the house and other buildings thereon erected situated in d'Auteuil street in the city of Quebec, and being the cadastral number 2679 in St. Louis ward, and to give as good and effectual title for the same, as might have been given by the said Maria Orkney, in her lifetime.

Persons authorized to sell certain properties.

2. The price of the said sale shall be invested by the said executors in such way as they and the said curator shall deem right, and shall be by them applied in the same way and to the same purposes as the said will directs, respecting the property belonging to the estate of the said Maria Orkney.

Use of the revenues.

3. This act shall take effect on the day of its sanction.

Act in force.

## CAP. LXXXVII.

An Act to authorize the Bar of the Province of Quebec, Section of the District of Montreal, to admit, after examination, Louis Philippe Guillet as one of its members.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS Louis Philippe Guillet, of the city of Montreal, was duly admitted to the study of the profession of advocate, and has studied law under William McDougall, esquire, advocate, of the city of Three Rivers, and under the Honorable F. X. A. Trudel, advocate, of the city of Montreal; and whereas doubts have arisen whether the said L. P. Guillet, having been obliged to interrupt for some time his regular attendance in the office of his patrons, has complied with the requirements of the law, although he has studied law and assiduously attended the office of his patrons during two periods, which together more than exceed four years, as evidenced by the certificates of J. N. Bureau, *Bâtonnier* of the bar of the province of Quebec, section of the district of Three Rivers, and of the Honorable F. X. A. Trudel; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Admission of P. Guillet as an advocate, after examination.

**1.** It shall be lawful for the bar of the province of Quebec, section of the district of Montreal, and the examiners thereof, at their next meeting, or at any time, after the usual examination, to admit the said Louis Philippe Guillet to the practice of the profession of advocate and attorney, notwithstanding any interruption that may have taken place in his law studies.

## CAP. LXXXVIII.

An Act to authorize the provincial board of Notaries to admit Charles Euchariste Octave Thomas Tranchemontagne, to the practice of the Notarial Profession.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS Charles Euchariste Octave Thomas Tranchemontagne, of the city of Montreal, has been duly admitted to the study of the notarial profession; and whereas, from an interruption in his clerkship, the provincial board of notaries of Quebec, declares itself to be

unable to admit him to the profession of a notary, without contravening the law respecting such profession ; whereas such interruption was caused by illness ; whereas the provincial board of notaries of Quebec has declared, at the sitting thereof of the eighth october 1874, that it would view with pleasure the passage by the legislature of Quebec of a special bill to admit to the practice of the notarial profession the said Charles Euchariste Octave Thomas Tranchemontagne, after a satisfactory examination ; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The provincial board of notaries of Quebec, and the examiners thereof may, at their next meeting, or at any time, admit the said Charles Euchariste Octave Thomas Tranchemontagne, to the practice of the notarial profession, after the usual examination, notwithstanding any interruption or irregularity in his clerkship.

Admission of  
C. E. O. T.  
Tranchemon-  
tagne as a  
notary, after  
examination.

**2.** This act will come into force on the day of its sanction.

Act in force.

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